

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
4)
4 Plaintiff,) Judge Wells
5) Cleveland, Ohio
5 vs.)
6) Criminal Action
6 JAMES A. TRAFICANT, JR.,) Number 4:01CR207
7)
7 Defendant.)

8 - - - - -
9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE
10 THE HONORABLE LESLEY WELLS
11 JUDGE OF SAID COURT,
12 ON THURSDAY, FEBRUARY 21, 2002
13 Jury Trial
14 Volume 6
15 - - - - -

16
17 APPEARANCES:
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31 Proceedings recorded by mechanical stenography; transcript
32 produced by computer-aided transcription.

1 Thursday Session, February 21, 2002, at 8:30 A.M.

2 (Proceedings in the absence of the jury:)

3 THE COURT: We can wait a minute before you
4 bring the jurors in. You can just have a seat. Go back
5 out into the -- I just want to go over a couple of things
6 before the jury comes out.

7 We let the jury go home a little early yesterday so
8 we could have some discussion, and I think the discussion
9 was fruitful in some ways. We're about two weeks into this
10 trial, and it's going pretty well, and so I want to just go
11 back and go over so everybody's clear on it the way we are
12 going to handle the time when the jury's in the box and the
13 time when the jury's on break in terms of our own work that
14 we have to do on the law.

15 I've been more lenient as we started the case out,
16 and I intend to continue to be. And I want to make the
17 procedures clear they're not new. I'm not willing to send
18 a jury home early unless it's really necessary because we
19 need them to be here doing their work. I think we can
20 avoid it if we follow the procedure more closely that we've
21 talked about all along.

22 When somebody has an objection, and you can do doing
23 this wonderfully, you stand, and I know you have an
24 objection. What I would like you to feel free to do is to
25 give me in a word or two the basis for that objection if

1 you want to, but don't get into a long argument about it,
2 and I'm not as likely to give you a side bar on each
3 objection as I have been because it takes a lot of time
4 away from the jury. So, for example, if somebody is
5 objecting because there is a question or too many parts, a
6 compound question, we've had those kinds of objections,
7 then say compound question, if that's what the basis of the
8 objection is. Say relevance, if it's relevance.

9 Say no personal knowledge, say something in a phrase.
10 That preserves your situation in regard to the testimony
11 for the future, and if it's something that we need to deal
12 with at length, then we'll do it when the jury is in recess
13 or over lunch or after 4:30, and that's been the ground
14 rules all along. But I have taken more side bars as we
15 began, and -- but the rules are operating, and people are
16 following them, and there seems not to be a need for a lot
17 more clarification about them.

18 I mean, the Congressman's used to rules, and Congress
19 is used to rules and is used to following them, and he's
20 doing a good job. I mean, I really think that it's going
21 well on both sides, but I am concerned about jury members
22 needing to sit here doing nothing in the box when we could
23 be handling our legal work while they're on a break or at
24 lunch. So I'll then just rule if it's something that's
25 going to take more time to actually get into, then we'll

Richards - Cross Continued

1 just have to defer it until 4:30 instead of sending them
2 home early. Okay?

3 MR. SMITH: Yes, your Honor.

4 THE COURT: All right?

5 MR. TRAFICANT: Yes.

6 THE COURT: Thank you, Congressman. I think
7 we can bring the jurors out. Anything further?

8 MR. MORFORD: No, your Honor.

9 THE COURT: Very well. Now the witness can
10 come up.

11 (Proceedings resumed in the presence of the jury:)

12 THE COURT: Sir, you're still under oath.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Congressman

15 CROSS-EXAMINATION OF HAYDEN WEST RICHARDS (continued)

16 BY MR. TRAFICANT:

17 Q. Good morning, West.

18 A. Good morning.

19 Q. You still live in Atlanta?

20 A. Yes.

21 Q. Are you still married by the way?

22 A. Yes.

23 Q. To Linda?

24 A. Yeah.

25 Q. Any children?

Richards - Cross Continued

1 A. Not yet, no.

2 Q. Yesterday, we were talking about certain matters
3 dealing with the Bucheit situation. Are you familiar with
4 the fact that Mr. Bucheit is one of the counts in this
5 indictment?

6 A. Yes.

7 Q. So that material that was placed on the board was to
8 -- in fact, in your opinion, what was it, in your opinion,
9 that showed those documents on the board?

10 A. Simply to show that we -- that our office had
11 interactions with Mr. Bucheit regarding the -- his case
12 against the Saudis.

13 Q. To the best of your knowledge, in the beginning, did
14 Mr. Bucheit have any success with the Government in any way
15 relative to his case?

16 A. Not to my knowledge, no.

17 Q. To the best of your knowledge, was his private
18 attorneys -- did he have any success with his case?

19 A. No.

20 Q. Now, to the best of your knowledge, did he have
21 tremendous success when he started dealing with our office?

22 A. Yes.

23 Q. Okay.

24 In your opinion, that -- would that be a great
25 incentive for Mr. Bucheit to want to help me?

Richards - Cross Continued

- 1 A. Help you in what way?
- 2 Q. Any way.
- 3 A. I suppose.
- 4 Q. Were you aware of the fact that a member or associate
- 5 of the Bucheit family restored old boats for resale?
- 6 A. I don't recall.
- 7 Q. Okay. Did the Bucheits ever make an official offer
- 8 to buy my boat?
- 9 A. I don't recall.
- 10 Q. Did the Bucheits ask you to call anybody and check
- 11 and see if it would be okay for them to buy the boat?
- 12 A. No -- I don't recall.
- 13 Q. Now, when I was not in town, you said I had asked you
- 14 on occasions to go down to the boat, is that your
- 15 testimony?
- 16 A. Yes.
- 17 Q. Now, when is it likely that the Congress over periods
- 18 of time not in town?
- 19 A. Mondays and Fridays.
- 20 Q. But what seasons of the years, more likely?
- 21 A. Oh, there would be a summer break.
- 22 Q. How long would that be?
- 23 A. Four or five weeks.
- 24 Q. Okay. And what was usually the long break of the
- 25 year?

Richards - Cross Continued

1 A. The long break of the year, during election year,
2 would be from November until the end of January.

3 Q. And the work in January and February, basically
4 commit -- committees just be getting started?

5 A. Right.

6 Q. And would it not be a fact they may not have any
7 legislation to report to the floor?

8 A. Correct.

9 Q. And there may not be many votes in that period of
10 time. Would you say that's a correct assessment?

11 A. Correct.

12 Q. So it's possible in election year you can go from
13 October to almost February without a member needing to be
14 there, would that be a correct assessment?

15 A. Yes.

16 Q. For votes?

17 A. Right.

18 Q. Now, in that season of the year, Washington is known
19 to have some cold weather?

20 A. Yes.

21 Q. Are there times when the Potomac River could freeze
22 over?

23 A. Yes.

24 Q. Has it in the past history frozen over?

25 A. Yes.

Richards - Cross Continued

1 Q. Have people driven cars across it on occasion?

2 A. I've heard stories.

3 Q. Did I ask you to go down and see if the boat had sunk
4 at any time?

5 A. Yes.

6 Q. Now in the team building business, you said that
7 sounded like your language; is that correct?

8 A. I think so.

9 Q. Yeah.

10 Were any of my staff ever forced to go down to the
11 boat to work in D.C.?

12 A. No.

13 Q. Could they have opted out?

14 A. Yes.

15 Q. Did some of them do that?

16 A. Yes.

17 Q. All right. Did you and I have any conversation about
18 that of any kind?

19 A. Yes.

20 Q. Was this any remarks made by me to you in any way?

21 MR. MORFORD: Objection, your Honor.

22 Q. Or to the best of your knowledge --

23 THE COURT: Wait, wait. The objection is
24 sustained. Now you can go to another question.

25 Q. To the best of your knowledge, was there anything

Richards - Cross Continued

1 further about that?

2 A. No.

3 Q. Now, were you ever familiar with the Grand Jury
4 looking into me before this recent matter?

5 A. In your previous trial?

6 Q. No. Since the previous trial, in this trial, were
7 you familiar with any other Grand Jury investigations of
8 me?

9 A. No.

10 Q. Okay. Now, in the Demjanjuk issue, which was brought
11 up --

12 THE COURT: I couldn't understand the word.
13 What was the word, issue?

14 MR. TRAFICANT: Demjanjuk issue brought up.

15 THE COURT: I don't know when it was brought
16 up.

17 MR. TRAFICANT: It's in the Government
18 report, your Honor. He answered questions about it.

19 MR. MORFORD: Objection.

20 THE COURT: Objection sustained.

21 Q. Are you familiar with the Demjanjuk investigation?

22 A. Yes.

23 Q. Do you know if, in fact, the Demjanjuk family
24 attempted to visit members of Congress?

25 A. Yes.

Richards - Cross Continued

1 Q. To the best of your knowledge, was the Demjanjuk
2 family able to meet with anybody in the House or the
3 Senate?

4 A. No, with the exception of Congressman Shays, I
5 believe.

6 Q. And to the best of your knowledge, did Congressman
7 Shays get involved in the case?

8 A. No.

9 Q. At some point, did they reach out to some
10 Congressmen?

11 A. Yes.

12 Q. Who was that Congressman?

13 A. You.

14 Q. To the best of your knowledge, did my staff advise me
15 to stay away from that case?

16 A. Yes.

17 Q. And to the best of your knowledge, why did they do
18 so?

19 MR. MORFORD: Objection as to relevance, your
20 Honor.

21 THE COURT: Sustained.

22 Q. To the best of your knowledge, Mr. Richards, did I
23 stay out of the Demjanjuk case?

24 THE COURT: The objection was sustained.
25 Don't answer it.

Richards - Cross Continued

1 Q. To the best of your knowledge, did I take a
2 tremendous amount of political heat and bad press over that
3 matter?

4 THE COURT: Are you still talking about
5 the -- the case that you were referring to?

6 MR. TRAFICANT: Yes.

7 THE COURT: The objection is sustained. So
8 you can't follow that line of inquiry.

9 Q. To the best of your knowledge, has the Government
10 delivered to me things at the airport to bring it home?

11 THE COURT: Congressman, move along to
12 another topic.

13 MR. TRAFICANT: For the record, I now object.
14 I'll go to a further subject, but I object.

15 THE COURT: All right. Just go to another
16 topic.

17 BY MR. TRAFICANT:

18 Q. Now, at some point, did the FBI come to you relative
19 to any cases that I was handling in Washington?

20 A. Yes.

21 Q. Did you inform me that the FBI had come to you?

22 A. Yes.

23 Q. What case was it that they came to you about?

24 A. The Demjanjuk case.

25 Q. Do you recall what was the purpose of their inquiry

Richards - Cross Continued

1 into you and the Demjanjuk case?

2 A. Yes.

3 Q. Will you explain it to the court.

4 A. The --

5 THE COURT: Go ahead.

6 THE WITNESS: The FBI had concerns that the
7 Soviet embassy at that time was having a great deal of
8 interaction with many congressional offices, and they
9 recognized that our office was interacting with the Soviet
10 embassy and had interaction with a Soviet diplomat in our
11 attempt to retrieve records from the Soviet Union on the
12 case.

13 Q. Did you, in fact, do that? Did you contact the
14 Soviet embassy?

15 A. Yes.

16 Q. Did the Soviet embassy give you anything or share
17 with you anything relative to this case?

18 A. Yes. They were able to provide us with documents and
19 information.

20 Q. Was it not a fact those documents were subject to the
21 Freedom of Information Act, a request I submitted to our
22 own Government?

23 A. Yes, I believe so.

24 Q. And were those the documents that led to the release
25 of John Demjanjuk?

Richards - Cross Continued

1 A. Yes.

2 Q. Did the FBI at that time ever ask you any questions
3 about me meeting with Soviet officials?

4 A. Yes.

5 Q. And what, if anything, did you tell them?

6 A. I told them that I was the primary contact for the
7 diplomats and the embassy.

8 Q. I'm going to repeat the question.

9 THE COURT: He answered it.

10 Q. To the best of your knowledge, did I ever meet with
11 any Soviet official?

12 A. No.

13 Q. Now, when you first started out with the press, it
14 was like a learning experience, wasn't it?

15 A. Yes.

16 Q. Did you ever make any mistakes?

17 A. Yes.

18 Q. Were you ever misquoted?

19 A. Yes.

20 Q. Did you come to a quick understanding of how to deal
21 with a free press in America?

22 A. Yes.

23 Q. Were you honest when you reported the news from
24 Washington?

25 A. Yes.

Richards - Cross Continued

1 Q. Were you honest when you represented the position of
2 Congressman Traficant?

3 A. Yes.

4 Q. Were you ever involved, or were you ever contacted by
5 the FBI involving another matter other than the Demjanjuk
6 case?

7 A. Not to my recollection.

8 Q. Were you ever -- or did you ever provide information
9 to any Government agency relative to a member of a foreign
10 intelligence service?

11 A. Can you restate the question, please?

12 Q. Did you ever provide any information regarding a past
13 association with a member of a foreign intelligence
14 service?

15 A. I don't recall.

16 Q. Would you recall if the FBI had asked you that
17 question and in any of the meetings they had with you?

18 A. Yes.

19 Q. How many times the FBI meet with you, Mr. Richards?

20 A. I would say probably at least seven or eight times.

21 Q. Did they take notes?

22 A. Yes.

23 Q. Did you take notes?

24 A. Yes.

25 Q. Did they have any audio or video equipment there when

Richards - Cross Continued

1 they interviewed you?

2 A. I believe they had audio.

3 Q. Did you see the tape recorder?

4 A. Yes.

5 Q. Did they tell you you were going to be taped?

6 A. Yes.

7 THE WITNESS: Your Honor --

8 THE COURT: What do you want?

9 MR. TRAFICANT: Does the witness want a side
10 bar?

11 THE COURT: I don't know, I don't know.

12 What's the problem?

13 (Counsel and court conferring.)

14 THE COURT: You need to keep answering the
15 questions. I can't help you with that. But he'll ask you
16 questions, and you answer the questions.

17 THE WITNESS: Okay.

18 BY MR. TRAFICANT:

19 Q. After your conversation with the Judge, do you want
20 to change your testimony, West?

21 A. Yes.

22 Q. In what way?

23 A. The issue concerning the foreign intelligence
24 agent --

25 Q. Before we get to that, I was referring -- let's get

Richards - Cross Continued

1 back to my question, and then I'll come to that.

2 Did you see a tape recorder when the FBI interviewed
3 you?

4 MR. TRAFICANT: I object to his objection.

5 (Laughter.)

6 THE COURT: I was listening into the silence.
7 Okay.

8 MR. TRAFICANT: Sorry, I didn't see your
9 eyes.

10 MR MORFORD: I didn't stand up. I should
11 have stood up.

12 Your Honor, I would ask for a time frame.
13 That was all.

14 THE COURT: Okay.

15 MR. TRAFICANT: Oh. Let me get something
16 straight off the record even though the jury's here.

17 THE COURT: It's not off the record when the
18 jury's here. It's always on the record with the Court
19 Reporter.

20 MR. TRAFICANT: I was under the impression --

21 THE COURT: Don't interrupt. Whether the
22 jury's here or not, it's always on the record. Everything
23 you say and do here is on the record. Okay?

24 MR. TRAFICANT: Thank you.

25 THE COURT: You're welcome.

Richards - Cross Continued

1 MR. TRAFICANT: Thank you. Then let me clear
2 up maybe a misunderstanding I have. Would that be all
3 right with the court?

4 THE COURT: We'll do it at the next break.

5 MR. TRAFICANT: Okay.

6 BY MR. TRAFICANT:

7 Q. Okay.

8 So you did see a tape recorder when they interviewed
9 you?

10 A. Yes.

11 Q. You considered yourself to be a very important
12 witness in this trial?

13 A. Yes.

14 Q. In what way? Do you know of any crimes committed?

15 THE COURT: You asked him a question. Let
16 him answer it.

17 MR. TRAFICANT: Go ahead.

18 THE WITNESS: Basically given my rank in the
19 office.

20 Q. Yes. But I mean, you know of any crime that's been
21 committed? Let me put it this way: You are not a lawyer.
22 Do you know of any wrongdoing that you did?

23 A. No.

24 Q. You know of any wrongdoing I did?

25 A. No.

Richards - Cross Continued

1 Q. There might be other witnesses that may have very
2 powerful smoking guns, for example, on the Defendant.
3 Might that possibly be?

4 THE COURT: We can't deal with what might
5 possibly be out there. We have to deal with what does this
6 witness know. You're cross-examining him.

7 Q. On a 1 to 10, do you believe you would be a lesser or
8 more important witness for the Government?

9 THE COURT: There is an objection to that,
10 and for a good reason. It's the jury who decides the
11 credibility --

12 MR. TRAFICANT: Okay.

13 THE COURT: -- of the testimony, and what
14 weight to give it.

15 MR. TRAFICANT: All right.

16 THE COURT: I don't decide it; you don't
17 decide it; these folks decide it. Let's get on with the
18 evidence so they can do their work.

19 BY MR. TRAFICANT:

20 Q. You saw a tape recorder when they interviewed you,
21 right?

22 A. Yes.

23 Q. Okay.

24 Now, your memory's recollecting now relative to some
25 meeting, relative to some purported association with a

Richards - Cross Continued

1 foreign intelligence member. Is your memory now better
2 collected?

3 A. Yes.

4 Q. Can you explain what that was?

5 A. The -- the FBI had a concern that the diplomat I was
6 interacting with, in his capacity as a diplomat,
7 representing the Soviet embassy, was, in fact, most likely
8 a KGB agent.

9 Q. Okay. Did you report that to me?

10 A. Yes.

11 Q. You did?

12 A. I believe so.

13 Q. Are you absolutely sure you did?

14 A. I would be comfortable in saying that I'm absolutely
15 sure I mentioned that to you.

16 Q. West, did we stoop to deal with the KGB to deal with
17 the Demjanjuk matter? Yes or no.

18 A. Yes, but I wouldn't necessarily use the word "stoop."

19 Q. Did we use every means available to the best of your
20 knowledge to try and get to the truth of the Demjanjuk
21 matter?

22 A. Yes.

23 Q. Did we do that?

24 A. Yes.

25 Q. Do you happen to know if Mr. Demjanjuk is back under

Richards - Cross Continued

1 indictment?

2 A. I don't know.

3 Q. Now, back to the cars, how many times did you see
4 that black Avanti car?

5 A. Three, maybe four times.

6 Q. And you said that -- and you said in your testimony
7 that I was asked to drive the car to Washington, right?

8 A. I guess the word would be invited.

9 Q. Invited?

10 A. Um-hum.

11 Q. To the best of your knowledge, who invited me to do
12 that?

13 A. I believe it was J. J. Cafaro or the person that was
14 in charge of the dealership.

15 Q. Wasn't it a fact at the time that the Avanti cars
16 were not selling at all?

17 A. I believe that is true.

18 Q. And was it not a fact that they wanted the car to be
19 seen so that maybe people might buy them?

20 A. I'm -- I believe I recall you mentioning that to me.

21 Q. Did you have occasion to have to come down and help
22 me jump start the car one night, do you recall that?

23 A. I -- yes, I recall.

24 Q. Do you recall instances of complaints relative to the
25 performance of that car?

Richards - Cross Continued

1 A. I recall that for such an expensive vehicle, it was
2 problematic.

3 Q. Did you refer to it in a one word, quote unquote,
4 term, do you recall?

5 A. Can you restate the question, please?

6 Q. Did you ever refer to it in a one word, quote
7 unquote, term?

8 A. The bat mobile.

9 Q. Do you know what happened to the car in the last --
10 what was that? -- 17 years?

11 A. No.

12 Q. To the best of your knowledge, was the boat a little
13 bit of a sanctuary for me?

14 A. Yes.

15 Q. And to the best of your knowledge, do you know if I
16 hired people to work on that boat to repair it?

17 A. Yes.

18 Q. To the best of your knowledge, did I ask you, when I
19 was not in town, to go down and check and see if those
20 people might be even at work doing what they were
21 purportedly saying they were doing?

22 A. Yes.

23 Q. Did you do that?

24 A. Yes.

25 Q. Did you do that because you were forced to do that?

Richards - Redirect/Morford

1 A. No.

2 Q. Did you do that as a friend?

3 A. Yes.

4 Q. Do you still consider me a friend, West?

5 A. Yes.

6 Q. You still consider me a part of your career and a
7 mentor of your career?

8 A. Yes.

9 Q. If I had a job opening and you needed a job, would
10 you apply for it again with me?

11 A. No, not in my current --

12 Q. And why would that be?

13 A. Simply because of my career path is not in that
14 direction.

15 Q. You make more money now?

16 A. Yes.

17 MR. TRAFICANT: Thanks, West. No more
18 questions.

19 THE COURT: Thank you.

20 REDIRECT EXAMINATION OF HAYDEN WEST RICHARDS

21 BY MR. MORFORD:

22 Q. Mr. Richards, you were asked questions yesterday by
23 Congressman Traficant. One of them was he asked you, is it
24 your opinion that I, meaning Congressman Traficant, made
25 the best decisions for the office at all times. Do you

Richards - Redirect/Morford

1 remember that question?

2 A. Yes.

3 Q. I'd like to follow-up on that. Do you believe that
4 paying incredibly large salaries to Chuck O'Nesti and Henry
5 DiBlasio at a time when the D.C. staff was complaining they
6 were making less than the other D.C. staffers and the other
7 congressional offices was making the best decision for the
8 office?

9 A. No.

10 Q. Do you believe that asking your chief of staff to
11 round up congressional legislative assistants to go out and
12 scrape and paint your personal boat was taking action in
13 the best decision of the office at all times?

14 A. No.

15 Q. Do you believe that sending a staff member namely
16 George Buccella out to your farm to bale hay to the point
17 where George Buccella complains to your chief of staff
18 about it, was taking actions and making decisions in the
19 best interest of your congressional office?

20 A. No.

21 Q. You testified yesterday that there were times when
22 you would call Henry DiBlasio if there was a legal issue of
23 concern involving legislation; is that correct?

24 A. Yes.

25 Q. Were those rare times or frequent times that you'd

Richards - Redirect/Morford

1 make those kind of calls?

2 A. Rarely.

3 Q. And as an institution, does Congress hire lawyers in
4 Washington that specialize in legislation?

5 A. Yes.

6 Q. And would you call those lawyers when there were
7 legal questions involving legislation?

8 A. Yes.

9 Q. Who would you call more often when there was a legal
10 question involving legislation, the lawyers in Washington
11 that specialized in legislation or Henry DiBlasio that had
12 a practice, that worked in business law and personal injury
13 cases?

14 A. Legislative counsel in Washington.

15 Q. How rare was it, in your experience, for a
16 Congressman to have his own personal staff counsel in his
17 home district? Was that a common practice?

18 A. I don't believe it was.

19 Q. You were asked questions this morning about whether
20 any of the staff were, quote, forced, end quote, to work on
21 the boat. Let me ask you this:

22 Given their nature as congressional employees and the
23 request was coming from the Congressman, was there pressure
24 to go out and work on the boat?

25 A. I would say that there could be some perceived

Richards - Redirect/Morford

1 pressure.

2 Q. What would the perceived pressure flow from?

3 A. The Congressman.

4 Q. You were asked a series of questions about the FBI
5 and Soviet embassy. Do you recall those questions?

6 A. Yes.

7 Q. I'd like you to explain, if you will, a little more
8 detail exactly what happened, as you understood it, that
9 led the FBI to contact you regarding your contacts with the
10 Soviet embassy. Was there a particular person at the
11 Soviet embassy you had met with?

12 A. Yes.

13 Q. What was his name?

14 A. His name was Igor Sdorozenko.

15 Q. And how many times, did you meet with him and at what
16 types of locations before the FBI approached you the first
17 time?

18 A. We had met a number of times in our office and also a
19 couple of times in restaurant settings in Washington.

20 Q. And when did the FBI first approach you regarding
21 this person?

22 A. Probably upon our fourth interaction, I think either
23 1990 or 1991.

24 Q. Of the two sections of the FBI, one being criminal
25 investigation and the other being foreign

Richards - Redirect/Morford

1 counterintelligence, which side of these agents had
2 approached you and was affiliated with?

3 A. The first agent that I dealt with was the FBI's
4 congressional liaison to the House of Representatives. The
5 second FBI agent that I had most of my interaction with
6 was a counterintelligence agent.

7 Q. When the congressional liaison FBI agent -- I take it
8 -- what did the congressional liaison FBI agent do? What's
9 his function?

10 A. His function is to interact, to represent the FBI to
11 members of Congress and the staff.

12 Q. What was his concern when he approached you?

13 A. His concern was that our office was potentially
14 dealing with a KGB agent under the guise of having a
15 diplomat role.

16 Q. Prior to that conversation, did you realize that this
17 supposed diplomat was actually a KGB agent?

18 A. No.

19 Q. And meeting with you was the FBI liaison of the House
20 of Representatives, threatening you or warning you. How
21 would you describe it?

22 A. He -- he was warning me, and at the time I believe he
23 was interacting with a -- a number of other staffers as
24 well.

25 Q. So was this something where the FBI was just picking

Richards - Redirect/Morford

1 on Congressman Traficant, or was this sort of a House-wide
2 thing as you understood it?

3 A. I think it was a House-wide.

4 Q. What was their concern as they explained it to you?

5 A. At that time, the Berlin Wall had come down, 1989.
6 And following that, the Soviet embassy apparently had a
7 large outreach program going on to members of Congress and
8 to members of their staff.

9 And they had never seen activity like this take place
10 before. So they were concerned about it.

11 Q. Was there ever a time where this KGB agent asked you
12 to obtain information for him?

13 A. Yes.

14 Q. And did you report that to the FBI?

15 A. Absolutely.

16 Q. Now, Congressman Traficant asked you if you ever
17 discussed the matter with him. Do you recall any specific
18 conversation with him about this?

19 A. Yes.

20 Q. Why don't you tell the jury specifically what you
21 recall telling Congressman Traficant about this?

22 A. Well, I explained to the Congressman why the FBI
23 liaison had met with me and explained that he wanted to
24 actually meet with the Congressman, and explained, you
25 know, his concerns about our interactions with the Soviet

Richards - Redirect/Morford

1 embassy.

2 Q. Did they at any time ask you not to meet with this
3 person or to stop doing what you were doing?

4 A. No. Quite the opposite.

5 Q. Now, you were never asked actually to put a time
6 frame on your testimony about the FBI agents taping you
7 with audio tape. From what you testified, there were two
8 separate times you dealt with the FBI, one with the KGB
9 situation and then one with agents in this case. Can you
10 put a time frame on those two interactions that you had
11 with the FBI?

12 A. Regarding the Soviet case, that would have been 1990,
13 1991 time frame. This case would be 2000, 2001 time frame.

14 Q. And the time when the FBI audio taped you, would that
15 have been 1990, 1991 when you were dealing with the Soviet
16 espionage, or would it have been 2000, 2001 dealing with
17 this case?

18 A. 1991.

19 Q. Were you ever tape recorded by any agents when they
20 interviewed you regarding this case to your knowledge?

21 A. Yes, I believe so.

22 Q. What makes you think that?

23 A. I believed that my first interaction with an agent to
24 first discuss this case, I believe that he had a tape
25 recorder and asked if he could use it.

Richards - Recross

1 Q. Are you sure about that?

2 MR. TRAFICANT: Objection. Asked and
3 answered.

4 THE COURT: You can answer the question.

5 THE WITNESS: I'm not 100 percent able to
6 recall that, but I believe so.

7 Q. Congressman Traficant asked you if you knew of any
8 wrongdoing that he did. Let me follow-up on that.

9 Did he ever tell you that after your office had spent
10 two years working on the Bucheit matter, that he had
11 Mr. Bucheit come out and do \$30,000 worth of repairs on his
12 home?

13 A. No.

14 Q. Did he ever tell you whether or not Chuck O'Nesti
15 and/or Henry DiBlasio were giving him cash payments during
16 the time that they worked for him?

17 A. No.

18 Q. Were these things that Congressman Traficant would
19 tell a person like you?

20 A. No.

21 MR. MORFORD: Just one moment, your Honor.
22 Nothing further, your Honor.

23 THE COURT: Thank you.

24 RE-CROSS-EXAMINATION OF HAYDEN WEST RICHARDS

25 BY MR. TRAFICANT:

Richards - Recross

1 Q. When the FBI Government liaison came to the office,
2 who did he ask to meet with?

3 A. Me.

4 Q. Who do normally congressional liaisons meet with?

5 A. Typically the Congressman.

6 Q. Did they ask to meet with me first or you?

7 A. With me.

8 Q. Did you ever get the impression the FBI was not to
9 crazy about me, West?

10 A. Yes.

11 Q. Now, any point after that, did they say, West, I want
12 to go in and meet with your boss with you?

13 A. Yes.

14 Q. Did they meet with me and you?

15 A. Yes.

16 Q. Did I, in fact, tell them get the hell out?

17 A. I don't recall.

18 Q. I met with them. Is it a fact I met with them?

19 A. Yes.

20 Q. And did I hear out what they had to say?

21 A. Yes.

22 Q. What, if anything, did we do relative to the Soviets
23 after the information came to us about these KGB agents?

24 A. Restate the question, please.

25 Q. What, if anything, did we do after we had

Richards - Recross

1 conversation with the FBI about these supposed KGB agents?

2 A. We -- we decided that we would assist the FBI.

3 Q. Did we?

4 A. Yes.

5 Q. Best we could, right?

6 A. Yes.

7 Q. Now, did they ever show us any files showing that
8 this Igor Sdorozenko was, in fact, a KGB agent?

9 A. They -- they showed me no documentation that he was a
10 KGB agent, but I felt persuaded that he probably was.

11 Q. Did they show me any pictures or documentations or
12 forms that he was a KGB agent?

13 A. I don't believe so.

14 Q. Would you say that we took their word for it?

15 A. Yes.

16 Q. We believed the FBI was telling us the truth?

17 A. Yes.

18 Q. And we then proceeded accordingly?

19 A. Yes.

20 Q. Did we have conversations about the facts that they
21 may try and get information from us?

22 A. Restate the question.

23 Q. Did we have conversations that the KGB may try and
24 contact us to get information?

25 A. Yes.

Richards - Recross

1 Q. And what, if anything, did we decide that we would
2 do? Do you recall?

3 A. We decided that if the KGB was going to ask us for
4 information, that we would let the FBI know.

5 Q. We would notify the FBI; is that correct?

6 A. Yes.

7 Q. Did the KGB ever get back to us after the FBI came to
8 us and finally sat down with me?

9 A. Yes.

10 Q. And did I ever meet with them, West, the KGB people?

11 A. I think you may have met with them once.

12 Q. And did you meet with them after that?

13 A. Yes.

14 Q. To the best of your knowledge, were these reported to
15 the FBI?

16 A. Yes.

17 Q. At the point of the FBI giving us that information,
18 did you and I have conversations relative to this man
19 perhaps being a spy?

20 A. Yes.

21 Q. Did we ever confide anything into this matter?

22 A. No.

23 Q. Now, the Government come back, and they get into the
24 tape business, and they said well, you met -- was it not a
25 fact you met in the early '90, '91 period, right, on the

Richards - Recross

1 KGB issue?

2 A. Yes.

3 Q. And then you met 2000, 2001?

4 A. Yes.

5 Q. And you -- they asked you about tapes during the
6 1999 -- the 1999, '91 taping situation, and your answer was
7 yes?

8 A. Restate the question.

9 Q. In 1991, they asked you, did the FBI have a tape
10 recorder there to tape your talk with them?

11 A. Yes.

12 Q. Then they come to the Year 2000, 2001 through numbers
13 of three or four series of questions, did you see a tape
14 recorder or not?

15 A. I believe so.

16 Q. Did the Government agent ask you if you would be
17 allowed to tape your conversation?

18 A. I believe so.

19 Q. Now, as the Congressman, do I have the authority to
20 set salary?

21 A. Yes.

22 Q. Is it a fact that many members of Congress hire
23 bright young people?

24 A. Yes.

25 Q. Is it a fact that good members of Congress try and

Richards - Recross

1 hire bright young people who are brighter than they are, in
2 fact, if they're a secured Congress person? Would you say
3 that's true?

4 A. Yes.

5 Q. To the best of your knowledge, did I try and do that?

6 A. Yes.

7 Q. Did many of the people I hired go on to law school?

8 A. Yes.

9 Q. Now, is it the purpose of general counsel to
10 represent a member of Congress in their private and/or
11 district affairs?

12 A. Yes.

13 Q. Private affairs?

14 A. Restate the question.

15 Q. Is it the duty of the general counsel to handle
16 members' private affairs?

17 A. No.

18 Q. No.

19 Basically, the general counsel, would you say, deals
20 with the actions that occur in Washington D.C. in most
21 cases?

22 A. Perhaps in most cases.

23 Q. Yeah. And they're a resource, are they not?

24 A. Yes.

25 Q. Could they be a resource on leases, for example, if

Richards - Recross

1 they were questioned with a lease of a District Office?

2 A. Yes, that could be.

3 Q. Yeah. You had stated Paul had some concerns when he
4 left over the Trumbull Land Company lease?

5 A. I don't recall the name of the lease, but --

6 Q. Okay. Over a lease that was associated with Henry
7 DiBlasio; is that correct?

8 A. Correct.

9 Q. Okay. To the best of your knowledge, was Henry
10 DiBlasio's name on that lease?

11 A. I don't know.

12 Q. To the best of your knowledge, if his wife's name
13 would have been on the lease, would that be a red flag for
14 the general counsel?

15 A. Perhaps.

16 Q. Would there be a question of impropriety if an
17 employee's name was on the lease, if the Congressman was
18 renting from the employee?

19 A. Yes.

20 Q. Now, would there be somewhat of a question of
21 impropriety if the Congressman was renting from a person
22 whose wife was the owner of the building?

23 A. Perhaps.

24 Q. Did you know my district schedule?

25 A. Typically not.

1 Q. Would it be a fact that only when there was mutual
2 coordination needed between both offices that you might
3 need to be involved?

4 A. Perhaps.

5 Q. Now, when there was a legal legislative issue that
6 you had concerns about, whom would you check with?

7 A. On legislative concerns, it would be primarily the
8 legislative counsel.

9 Q. Would you also meet with the Congressman?

10 A. Yes.

11 Q. And when the Congressman was not available, and it
12 dealt with something concerning the Congressman's position,
13 whom in the district would you call relative to legal
14 issues?

15 A. Henry DiBlasio.

16 Q. Did that happen very often?

17 A. No.

18 Q. Was I usually available to you?

19 A. Yes.

20 Q. Did you rely upon at times my legal judgment?

21 A. Yes.

22 Q. When you were first hired, did you ask if I was an
23 attorney?

24 A. I think I did.

25 MR. TRAFICANT: No further questions.

Rovnak - Direct/Smith

1 MR. MORFORD: Nothing, your Honor.

2 THE COURT: Thank you. You may step down.

3 MR. SMITH: Government calls Richard Rovnak,
4 your Honor.

5 THE COURT: Thank you.

6 MR. SMITH: He's on his way, your Honor.

7 THE COURT: Thank you.

8 RICHARD ROVNAK

9 of lawful age, a witness called by the Government,
10 being first duly sworn, was examined
11 and testified as follows:

12 DIRECT EXAMINATION OF RICHARD ROVNAK.

13 THE COURT: This chair is on casters. Is
14 that going to work for you, or would you rather have this
15 one.

16 THE WITNESS: Your Honor, this is okay.

17 BY MR. SMITH:

18 Q. Sir, would you please state your name, and spell your
19 last name for the Court Reporter?

20 A. Richard Rovnak, R-O-V-N-A-K.

21 Q. In what city do you live, sir?

22 A. Struthers, Ohio.

23 Q. Sir, did you ever serve in any capacity with the
24 Mahoning County Sheriff's Office?

25 A. Yes, I did.

Rovnak - Direct/Smith

1 Q. And when was that?

2 A. It wasn't -- it was a voluntary basis as a reserve
3 deputy in 19 -- I believe it was '83, '84.

4 Q. And who was the sheriff of Mahoning County at that
5 time?

6 A. James Traficant.

7 Q. And how did you first meet James Traficant, Junior?

8 A. I believe it was through a semi pro football team,
9 the Youngstown Bull Dogs.

10 Q. And how long ago was this?

11 A. Around 1968, 67.

12 Q. Directing your attention to your reserve deputy
13 position with the Mahoning County Sheriff's Office, you
14 indicated that was a volunteer position?

15 A. Yes, sir.

16 Q. Was there any pay involved in that?

17 A. No. No, sir.

18 Q. And what were your duties as a reserve deputy?

19 A. It was more to help some of the newer deputies in
20 reserves, help instruct them. I had been attending
21 Youngstown State University, and criminal justice was my
22 major, and it was more or less in that field, helping them.

23 Q. After leaving the Sheriff's Department, did you ever
24 approach Congressman Traficant for employment again at a
25 later time?

Rovnak - Direct/Smith

1 A. Yes, I did.

2 Q. And would you describe the circumstances under which
3 you approached Congressman Traficant for employment?

4 A. I don't understand the question. I mean --

5 Q. Where did you contact Congressman Traficant to seek
6 further employment?

7 A. Well, I'm not positive. I believe it was out at his
8 farm.

9 Q. Where was that farm located?

10 A. In Green Township.

11 Q. And when you met with him to talk about employment,
12 who was present?

13 A. I don't think anybody was there.

14 Q. Were you there?

15 A. I'm not positive. I mean, anybody other than
16 Mr. Traficant and myself.

17 Q. All right. And what, if any, request did you make of
18 Congressman Traficant concerning employment on that
19 occasion?

20 A. I -- I asked him if I would be able to -- if he would
21 be able to help me out to get a job.

22 Q. Doing what?

23 A. At the time, it didn't matter, just any job.

24 Q. A job where?

25 A. Well, he knew a lot of people, and I asked him

Rovnak - Direct/Smith

1 through, you know, his influence if he would be able to ask
2 one of his friends or somebody if they could help me out to
3 get a job.

4 Q. What was the Congressman's response?

5 A. I'm not positive about that. I don't recall.

6 Q. What happened next?

7 A. He asked me to give him a hand out on the farm, doing
8 some plumbing work, and just general -- general work that
9 would be needed down on the farm.

10 Q. Did you do such work?

11 A. Yes, I did.

12 Q. After completing that work, did you have any further
13 discussions with Congressman Traficant about employment?

14 A. Yeah, I -- yes, I did. I probably asked him maybe
15 three or four times if he was able to find anything for me
16 as far as employment.

17 Q. Did you ultimately find employment --

18 A. I'm sorry. I didn't hear you.

19 Q. Did you ultimately employment?

20 A. He told me to come down to the office and talk to
21 Jackie Bobby, that she would be able to set me up as a
22 part-time employee, as a congressional aide.

23 Q. And approximately when did that happen?

24 A. Approximately the -- I believe it was the fall of
25 1990.

Rovnak - Direct/Smith

1 Q. And for how long -- how many months did you work as
2 a -- or were you on Congressman Traficant's staff as a
3 part-time employee?

4 A. Just shy of -- about two months shy of two years.

5 Q. How many hours were you supposed to work per week as
6 a part-time employee?

7 A. Approximately 20 hours a week.

8 Q. So how many hours a month would that be?

9 A. Well, approximately 80 hours a month.

10 Q. Did you have any salary in this part-time position?

11 A. Yes, I did.

12 Q. And what was that monthly salary?

13 A. I believe it was \$750.

14 Q. And what kind of work were you to perform?

15 A. I don't recall ever getting a job description. I
16 just was told that it would -- it would entail doing --
17 helping constituents with any federal problems.

18 Q. Told by whom?

19 A. Jackie Bobby.

20 Q. Starting in the fall of 1990, how many hours per
21 month did you actually spend in the office doing
22 constituent service work?

23 A. Was that per month?

24 Q. Yeah, per month.

25 A. Probably just a couple hours a month.

Rovnak - Direct/Smith

1 Q. Where did you spend the rest of that 80 hours a
2 month?

3 A. Out at the farm in Green Township.

4 Q. At whose direction did you go to the farm rather than
5 to the office?

6 A. It was Jim Traficant's, under his orders.

7 Q. What kind of work did you perform out at the farm
8 during the part-time employment?

9 A. Plumbing, little bit of carpentry work, little bit of
10 electric work, more like handyman type work.

11 Q. Did you ever work in the fields, out in the field?

12 A. The only work would have been just a little bit of
13 mowing with the tractor.

14 Q. All right. Mowing what?

15 A. The hay.

16 Q. Let me backtrack. The electrical work you referred
17 to, would you describe with some specificity to the jury
18 what that electrical work involved?

19 A. If the one water heater had to be moved and it was
20 electric, electrically operated, so when you had to change
21 the electric heater, some wiring had to be done to move the
22 plug, it was going at a new location. So we had to move
23 the wires, also.

24 Q. Any other electrical work?

25 A. Some outlets, plug outlets, some female outlets,

Rovnak - Direct/Smith

1 electrical and some light bulb holders, that type.

2 Q. Where were those put?

3 A. In the ceiling, different places in the aisles of
4 the -- outside the stalls.

5 Q. The stalls, where were the stalls located?

6 A. Inside the barn on the interior, along the walls.

7 Q. With respect to carpentry work, could you describe
8 what types of carpentry type work you did?

9 A. It would be mostly work that was -- building a
10 support for the water heater, fixing some doors, just got
11 pieces of wood to replace some that had been either
12 splintered by a horse kicking it or that was rotted, would
13 have to be pieces cut and replaced.

14 Q. With respect to the hay, what duties did you perform
15 with respect to the hay?

16 A. He -- he tried to get me to stack the hay and unload
17 it, but it's something -- with my back being bad that -- I
18 just couldn't do it.

19 Q. Did you ever attempt to take office work out to the
20 farm?

21 A. Yes, I did.

22 Q. And what happened when you did that?

23 A. I was told --

24 Q. By who?

25 A. By Jim Traficant, that --

Rovnak - Direct/Smith

1 Q. Go ahead.

2 A. I wasn't allowed to do that, and it was -- I believe
3 he says it was against the law to even do -- take -- take
4 the file to the farm. I -- I felt that any work that was
5 to be done by me, that would be the only way for me to get
6 it accomplished, would have -- to bring some files and at
7 least read them out there so I know what possibly would --
8 would need to be done with the -- with the case.

9 Q. And were you allowed to take such work out to the
10 farm?

11 A. I did take a couple of files, and when he seen -- he
12 had noticed I was reading them, he inquired what they were,
13 and I told him, and he got upset with me about bringing
14 them out there.

15 Q. All right.

16 Was there any mechanism by which your time at the
17 farm was accounted for at the office?

18 A. I -- I was given a sheet when I first started that
19 named -- or listed how much time was allowed for sickness
20 and how much time was allotted for vacation. And I -- I
21 wasn't told exactly that that would be used. It was --
22 it's a matter of hearing -- hearing Jackie talking to Jim
23 Traficant about how to account for some of my time.

24 Q. All right.

25 Did you hear Congressman Traficant make any

Rovnak - Direct/Smith

1 statements about how your time was to be accounted for at
2 the farm?

3 A. Well, that's -- he would tell Jackie --

4 Q. And what did Congressman Traficant say to Jackie
5 about that subject?

6 A. That she would -- she would ask, you know, what --
7 what to put my time down to, if -- if I was at the farm
8 quite a bit, that some of the time was to be used
9 vacation-wise or sick days.

10 Q. And what did the Congressman say?

11 A. And he said to take some of the time off of the
12 vacation time and the sick days.

13 Q. Did Congressman Traficant ever pay you himself for
14 the work you did at the farm?

15 A. No. I -- I asked him about it, you know, because I
16 had spent so much time there. There were days that I may
17 be there 16 hours, and this would be a five, six days out
18 of the week.

19 And he says that I'm already getting paid.

20 Q. And how were you getting paid?

21 A. The -- the check that I was receiving from the House
22 of Representatives as a --

23 Q. Now, how did you receive your paycheck during the
24 time that you worked for Congressman Traficant?

25 A. How did I receive it?

Rovnak - Direct/Smith

1 Q. How did you get it?

2 A. Through the mail.

3 Q. United States postal service?

4 A. Yes, sir.

5 Q. Did there ever come a time you attempted to use
6 vacation or sick day time for your own use as opposed to
7 going out to the farm?

8 A. I -- I felt basically that I -- I really didn't have
9 time to myself. It just seemed like there was always
10 something that he had me doing at the farm.

11 Q. Did you ever try to use vacation time and sick time?

12 A. Later on, at the end of the year, I finally -- well,
13 I had asked Chuck O'Nesti about doing this type of work
14 because -- let me go back.

15 Chuck O'Nesti had overheard him telling Jim, yelling
16 at him, kind of going back and forth, about me out at the
17 farm, that Chuck kept telling him he's going to get in
18 trouble for me out at the farm when I was supposed to be in
19 the office, and Jim Traficant told him that he's allowed to
20 put me wherever he wants; that it wasn't against the law
21 for him to do that.

22 I even confronted him about doing it because I didn't
23 want to do anything that I could get in trouble for.

24 Q. Let's go to that.

25 When you confronted Congressman Traficant, what did

Rovnak - Direct/Smith

1 you say to Congressman Traficant?

2 A. I told him that -- or I asked him more or less why --
3 first of all, I wasn't getting any work done at the office,
4 you know, why he had me at the farm, and again, he's
5 telling me that he's allowed to put me -- he was allowed to
6 put his people or -- I don't know what term he used at the
7 time, but the people that worked for him, he was allowed to
8 have them work anywhere he wanted.

9 I -- I believed him only because I had seen different
10 workers out there.

11 Q. Okay.

12 And who else -- were there other congressional
13 staffers that you saw out at the farm?

14 A. Yeah, I worked --

15 Q. Who?

16 A. I had worked a couple days with George Buccella, and
17 him and I built a lean-to for the horses, and Bill Pearch,
18 I -- see, I knew he was out there, but in the beginning
19 more from him telling me about it, but then I had seen him
20 a couple days doing -- doing some odds and ends.

21 Now, I don't know to what extent he was -- the reason
22 he was there.

23 Q. What position did Bill Pierce have? What was his
24 title or job description?

25 A. I'm not positive. I think he was a congressional

Rovnak - Direct/Smith

1 aide.

2 Q. For which Congressman?

3 A. Congressman Traficant.

4 Q. Did you ever attempt to follow-up with Congressman
5 Traficant in any other way about your working out at the
6 farm?

7 A. After, again, talking with Chuck O'Nesti, and he
8 convinced me that Jim had me work out there, that Jim could
9 get in trouble doing that. I confronted Jim again about
10 getting paid for the work I was doing, and I -- I sent him
11 a bill through the mail, a registered letter.

12 I just figured that the -- the fact that I wasn't in
13 the office may -- it didn't sit well.

14 Q. All right.

15 Now, that letter that you just referred to --

16 A. I'm sorry.

17 Q. Okay. Do you still have a copy of that letter
18 anywhere?

19 A. Well, I did, but I didn't feel it was important. I
20 kept a copy for awhile, but --

21 Q. Do you have it now?

22 A. No. I -- no, I don't.

23 Q. Okay?

24 A. I -- what it did was it listed the basically what
25 work I had done and what I felt was a fair price for the

Rovnak - Direct/Smith

1 work that -- the cost of what I had done.

2 Q. Did you ever receive a response from Congressman
3 Traficant to your letter?

4 A. None at all, none at all.

5 Q. Sir, during -- I'm sorry.

6 During the time you worked for Congressman Traficant,
7 did you ever go to Washington, D.C.?

8 A. Yes, I did.

9 Q. And did you spend time in Washington, D.C. for which
10 you were compensated by the Government as part of your
11 part-time employment?

12 A. I'm sorry. I didn't --

13 Q. Did you spend time in Washington, D.C. as part of
14 your part-time employment?

15 A. Yes. It was basically the same as at the farm.

16 Q. All right.

17 What work, if any, did you perform when you were in
18 Washington, D.C. on part-time employment?

19 A. He lived on a boat.

20 Q. Who lived on a boat?

21 A. Jim Traficant lived on a boat. I forget the -- what
22 the -- it's like a bay. I forget the name of it, but there
23 was an area of, oh, it held probably at least 100 boats,
24 and people of different jobs that lived in the area would
25 live on those boats during the week and then go home on the

Rovnak - Direct/Smith

1 weekends, more or less.

2 Q. What, if anything, did you do with respect to the
3 Congressman's boat?

4 A. And the -- I know the -- like the boat had been
5 rotted from the weather. It wasn't taken care of too much,
6 so a lot of the trim was bad, the steering wheel, and what
7 I pretty much did was replace some of the brass fittings,
8 and there was a shop in the area that sold boat parts.

9 So it was easy to get -- easy access to get some nice
10 boat brass fittings and some of the varnish, special
11 varnishes to paint the wood to pretty much preserve it.

12 Q. Did you do any varnishing or painting?

13 A. Yes, I did.

14 Q. Did you do any prep work before that varnishing?

15 A. Yes, I did some sanding and putting on a sealer. You
16 know, you fill in the holes with some type of a bonding
17 agent, and then you would sand it, in between each step,
18 you would sand and then put a primer coat on it and sand it
19 some more and put your whatever you would use, either a
20 shellack or special varnish.

21 Q. All right.

22 When you were in Washington, D.C., did you perform
23 any duties down at the congressional office in Washington,
24 D.C.?

25 A. No, I didn't.

Rovnak - Direct/Smith

1 Q. Now --

2 MR. SMITH: May I have a moment, your Honor?

3 BY MR. SMITH:

4 Q. Sir, I want to ask you a question about your -- you
5 mentioned your back when you were working out at the farm?

6 A. Yes.

7 Q. You recall that question and answer you gave about
8 your back and working out at the farm?

9 A. You mean about the hay?

10 Q. Yeah.

11 A. Okay.

12 Q. Okay.

13 Now, do you presently have some sort of injury to
14 your back and spinal column?

15 A. Yes, I do.

16 Q. All right. Does that injury predate or post date
17 your work out at the farm?

18 A. Some of it's before.

19 Q. And some of it's after?

20 A. Some of it's after, and you had asked about the -- as
21 far as the -- I didn't get a chance to finish, about that
22 getting paid for that work I had done when I sent that
23 registered letter. And I got no response. Well, I had
24 gone into Jackie Bobby, and I was going to take some time
25 off, and she says that I don't have that much time.

Rovnak - Direct/Smith

1 This is when I stopped doing any work at the farm. I
2 had come to a complete stop because I'm not getting paid
3 for it, that -- the work itself, the plumbing, the
4 carpentry work and what have you, and I was just getting
5 the monthly part-time pay at \$750, so it was like in
6 between boats. So I figured I was going to take some time
7 off and at least try to recoup something from it, and I was
8 told that after stopping the work, I was told that that was
9 a mistake, that I wasn't supposed to get all that time,
10 sick leave and vacation time. It was -- so it was like
11 taken off of me because I wouldn't do any work at the farm.

12 Q. Okay. Sir, under what circumstances did you leave
13 your employment at Congressman Traficant's staff?

14 A. Chuck O'Nesti came to me, and he said that there was
15 a job that he could get for me through Eddy Flask, and he
16 said it was a better job, and he said that it would -- it
17 probably would be better if I left the office anyway.
18 Again, I felt it was because I stopped doing any work at
19 the farm, but I asked Chuck if I could at least -- go
20 ahead.

21 Q. I have to ask you who is Ed Flask?

22 A. Ed Flask was an attorney that -- or, yeah, was an
23 attorney that rented -- let me take that back. He was an
24 attorney that was in an office in the building that the
25 congressional office was in.

Rovnak - Direct/Smith

1 Q. Okay.

2 A. He was a floor above the congressional office.

3 Q. Were you ever actually introduced to Mr. Flask?

4 A. Yes, I was.

5 Q. Who introduced you to Mr. Flask?

6 A. Chuck O'Nesti.

7 Q. And as a result of that introduction, did you get
8 some other employment somewhere else?

9 A. Yes. He instructed me to meet a gentleman -- I can't
10 recall his name because he didn't work for Gilbane too
11 long, that's who the guy worked for. But, he -- he
12 instructed me to meet him at a restaurant in Middleridge,
13 Bob Evans. That's the restaurant to meet him at a certain
14 time, and that he had a job for me with Gilbane Building
15 Company, construction company.

16 Q. And at that time, did you get your employment with
17 Gilbane Building Company?

18 A. Yes, I did.

19 Q. And where was Gilbane Building Company -- withdrawn.
20 Badly phrased.

21 Where did you go to work for Gilbane Building
22 Company?

23 A. They were doing the construction management at the
24 Mahoning Valley Sanitary District.

25 Q. All right.

Rovnak - Direct/Smith

1 Now, sir, late in January of this year, did you have
2 a conversation with a FBI agent about testimony that you
3 had given in a civil deposition several years ago?

4 A. You mean -- about my sister?

5 Q. Yeah.

6 A. Yeah, yeah, I did.

7 Q. All right.

8 And at that time, did you advise the agent that you
9 had given testimony that was not correct and accurate in
10 that civil deposition proceeding?

11 A. Yes, I did.

12 Q. All right. Why don't you tell us what you told the
13 agent about that?

14 A. Well, I -- I felt that -- I didn't want to -- I
15 wanted them to know everything about me, and so nothing
16 jumps up from, you know, nowhere. I had given -- you let
17 me step back. Because of some family problems, my -- I
18 wasn't -- I was kept from my grandson, and one of the
19 things I felt would help me to get back to seeing him would
20 be to more or less talk against my sister. Okay.

21 Q. And --

22 A. Pardon me?

23 Q. In connection with this matter that you're referring
24 to, were you deposed under oath in a civil case?

25 A. Yes.

Rovnak - Direct/Smith

1 Q. All right. During that civil deposition, did you
2 make some false statements?

3 A. Yes, I did. And the reason I feel -- now, I see what
4 I did wrong. At the time, I didn't think it was wrong. I
5 was under heavy medication, very heavy medication because
6 of my back injuries and what have you, and that's the only
7 thing that I can account for because I would never have
8 done -- I guess you would call it perjury. I wouldn't have
9 done that under normal circumstances, and again, that's --
10 I feel the only reason was because of the heavy medication,
11 and I mean legal medication, nothing was illegal about it.

12 Q. Okay.

13 A. As a matter of fact, the doctor involved ended up
14 losing his license for, I believe it was, overmedicating
15 some patients.

16 Q. All right.

17 MR. SMITH: May we have moment, your Honor?

18 THE COURT: Um-hum.

19 MR. SMITH: No further questions, your Honor.

20 THE COURT: Just a minute. Yeah, I think --
21 it's time for us to take a break. We're going to take the
22 morning break now. It's a good time to do it. Let me just
23 ask if everybody in the courtroom's been able to hear this
24 witness. Who's been asking me if you can hear him? You're
25 all hearing him fine? All right. They're hearing you

Rovnak - Cross

1 well. So we'll take the 20-minute break as we do in the
2 morning, and then when we come back, we'll continue with
3 this witness.

4 (Thereupon, a recess was taken.)

5 THE COURT: Congressman, you can proceed.

6 CROSS-EXAMINATION OF RICHARD ROVNAK

7 BY MR. TRAFICANT:

8 Q. Good morning, Richard.

9 A. Good morning, Jim.

10 Q. Was it tough for you to get up here?

11 A. A little bit.

12 Q. Do you have a driver now?

13 A. I'm sorry?

14 Q. Do you have a driver now?

15 A. That brought me up?

16 Q. Yes.

17 A. Yes.

18 Q. Do you drive yourself at all?

19 A. Very little.

20 Q. Very little now?

21 We met long before we were reserved -- involved in
22 the Sheriff's Department, weren't we?

23 A. Yes.

24 Q. Do you remember the first time we might have met?

25 A. I believe it was over at Shady Run field, practice

Rovnak - Cross

1 for the Bull Dogs.

2 Q. Well, who were the Bull Dogs?

3 A. Semi-pro football team from Youngstown.

4 Q. What, if anything, did they do? Did they challenge
5 anybody?

6 A. Yes. They challenged from what I remember, I believe
7 it was the prisons.

8 Q. And they engaged in a number of games, right?

9 A. I'm sorry?

10 Q. And they would engage in a number of games?

11 A. Yes, they did.

12 Q. Do you know if they were undefeated?

13 A. No. I don't know, I don't know.

14 Q. At some point, did they challenge a group of local,
15 what they referred to, as all-stars?

16 A. Yes, they did.

17 Q. Were you one of those all-stars?

18 A. No.

19 Q. Did you play on the all-star team?

20 A. Yes.

21 Q. Was I one of those players?

22 A. Yes, you were.

23 Q. Did we win?

24 A. Yes. We won, yes.

25 Q. Did you feel good about that by the way?

Rovnak - Cross

1 A. Yes, I did.

2 Q. A lot of bragging rights at stake, right?

3 A. For some, yes.

4 Q. Now, you said at some point you looked me up after
5 the reserve deputy sheriff business at the farm; is that
6 right?

7 A. That's correct.

8 Q. Yeah.

9 Is that true, first time you were at the farm?

10 A. Oh, no.

11 Q. You'd been there before?

12 A. Yes, I had.

13 Q. Yeah.

14 How many occasions would you say you'd been at the
15 farm before that?

16 A. Well, I guess a dozen or so.

17 Q. Yeah. For what purposes would you come to the farm
18 to look for me?

19 A. It might pertain to -- are you talking about --

20 Q. When you were reserve of deputy sheriff.

21 A. When I was reserve deputy?

22 Q. Yeah.

23 A. Probably pertained to some police work.

24 Q. Yeah. So you did no work at that time, right?

25 A. You had me doing some things back then.

Rovnak - Cross

1 Q. You helped out?

2 A. Yes. I helped out a little bit, yeah.

3 Q. Okay.

4 Now, were you a member of any specific unit of the
5 Sheriff's Department?

6 A. I -- you mean like the liquor enforcement?

7 Q. No. Like one of our specific units that I headed to
8 reduce crime.

9 A. Again, the only unit I participated in was the -- was
10 actually juvenile vice you called it and the liquor
11 enforcement.

12 Q. Would you recall a unit known as the sting unit?

13 A. Yes.

14 Q. Was that the unit you served on?

15 A. Yes, yes. I -- well, I did do a lot with the sting
16 unit.

17 Q. Can you hear me while I get my water?

18 A. Yes.

19 Q. Now, when you came to the farm, you came to the farm
20 for an explicit reason. Could you restate what that reason
21 was?

22 A. At what point?

23 Q. When you first came to the farm, when I was the
24 Congressman and you said you'd come out and run me down at
25 the farm.

Rovnak - Cross

1 A. Run you down?

2 Q. Well, you found me at the farm?

3 A. Oh. I don't understand the question, Jim.

4 Q. Okay.

5 You said you at some point came to the farm. Do you
6 remember the first time you came to the farm after I was
7 the Congressman?

8 A. I'm not sure, you know, the first time after you were
9 Congressman. I don't recall exactly.

10 Q. Well, do you remember if you asked me for a job or
11 help you find a job the first time you came out, the second
12 or third time you came out?

13 A. I'm not sure.

14 Q. So you could have been at the farm four or five times
15 before you asked me to help you get a job?

16 A. It -- it's possible.

17 Q. Were you ever unwilling to help me before you were on
18 the payroll at the farm?

19 A. Was I ever willing to help you?

20 Q. Unwilling to help me?

21 A. Yeah, there were times.

22 Q. There were times?

23 A. Yes.

24 Q. Now, when you asked me for a job, did you describe
25 some family problems?

Rovnak - Cross

1 A. I don't recall. I -- you mean as far as divorce?

2 Q. As far as being married.

3 A. I'm not positive when I got a divorce in relation to
4 when I stopped at the farm.

5 Q. Well, did you get a divorce before you were hired at
6 the congressional office or after you were hired at the
7 congressional office?

8 A. Again, I'm not positive, only because I had moved
9 out, and we tried a separation before the divorce, and the
10 divorce came like two years after I had moved out.

11 Q. Do you recall conversations about needing medical
12 insurance for your family?

13 A. I don't, I don't recall, but I -- I don't believe I
14 would have been covered. I mean, my family would have been
15 covered.

16 Q. Were you employed when you came to the farm?

17 A. No.

18 Q. Did you have any health insurance?

19 A. No.

20 Q. Did you have a bad back?

21 A. Yes.

22 Q. Did you have a family?

23 A. Yes.

24 Q. Were they insured?

25 A. No.

Rovnak - Cross

1 Q. All right.

2 To the best of your knowledge, did you meet with me
3 several times seeking whether or not I was successful in
4 using my influence to get you a job?

5 A. Could you repeat that, please?

6 Q. Did you meet with me on several occasions or have
7 contact with me seeking out whether or not I had any
8 success or some probable success of being able to land you
9 a job?

10 A. Yeah, because it didn't happen right off if that's
11 what you're asking. No, I stopped a few times.

12 Q. But at some point, you agree we weren't able to find
13 a job for you?

14 A. Right, not right off the bat, no.

15 Q. At some point, it was agreed I would hire you
16 part-time, is that your testimony?

17 A. Well, you eventually did. I mean, I don't understand
18 the question.

19 Q. Well, at some time, did I hire you?

20 A. Yes.

21 Q. And you know when that was?

22 A. I'm pretty sure it was October of 1990.

23 Q. October of 1990?

24 A. That's --

25 Q. And when did you get your other job?

Rovnak - Cross

1 A. It was -- which other job are we talking about?

2 Q. Your next job.

3 A. The next job? I'm pretty sure I started in September
4 of '92.

5 Q. Do you know when you quit the congressional office?

6 A. I didn't.

7 Q. You were terminated?

8 A. Yes.

9 Q. Who terminated you?

10 A. You did.

11 Q. On what day?

12 A. It was in July -- I think it was July. That's what
13 my --

14 Q. Okay. Did there come a point in conversation where
15 you came to me, and you wanted to be kept on as a part-time
16 employee, even though you were getting this full-time job
17 with full benefits? Do you remember that?

18 A. No. I -- that never happened.

19 Q. Um-hum. Now, you said you worked as much as 16 hours
20 on the farm a day?

21 A. That's correct.

22 Q. And was I out there with you?

23 A. Yeah, you were there. I would guess almost all the
24 time.

25 Q. Um-hum. Like give me an idea when that would be.

Rovnak - Cross

1 A. Sometimes we slept out there. So it would be --

2 Q. Where did we sleep?

3 A. In the bedroom.

4 Q. Oh, yeah? We slept in the same bed?

5 A. No, Jim.

6 Q. Okay. Richard, you said you were out there 16 hours,
7 and --

8 A. I said sometimes.

9 Q. I was there, but you said it was on your work time,
10 wasn't it?

11 A. Yes, Jim.

12 Q. What were your days of work?

13 A. Where?

14 Q. Well, the congressional office, what days were you to
15 work?

16 A. I don't know. I was never given days in the office.

17 Q. When did the office work, did they work Saturday?

18 MR. SMITH: Objection.

19 THE WITNESS: I wasn't given --

20 THE COURT: You're talking over each other.

21 MR. TRAFICANT: Okay.

22 THE COURT: The reporter needs to go back
23 now, and you need to let him answer, and then you can start
24 the next question.

25 MR. TRAFICANT: Maybe I can start and save us

Rovnak - Cross

1 a lot of time. Unless you need it for the record.

2 THE COURT: Well, it's your record that we're
3 making it for. I don't know how much of it they got
4 because you both were talking at one time.

5 MR. TRAFICANT: Okay.

6 BY MR. TRAFICANT:

7 Q. When did the staff workers usually report to work,
8 and when did they work?

9 A. I don't know. I wasn't in the office to know that.

10 Q. And you said that there were time sheets; is that
11 correct?

12 A. No, I didn't say that.

13 Q. You said you went over time sheets and vacation
14 sheets, did you say that?

15 A. I was handed a slip that had -- and I would imagine
16 Jackie's handwriting, that had 21 days, sick days, and 21
17 days vacation days. That's -- as far as time recording,
18 that's the only time that was shown to me.

19 Q. So was it your testimony you were out at the farm
20 seven days a week?

21 A. Sometimes, sometimes.

22 Q. 16 hours a day, slept overnight?

23 A. Sometimes, correct.

24 Q. Did you and I ever happen to make a trip together?

25 A. Quite a few.

Rovnak - Cross

1 Q. Did you go to Washington with me?

2 A. Sometimes.

3 Q. We went to Washington. Do you know who drove?

4 A. Mostly you.

5 Q. And when the traffic was heavy, it took us some time
6 to get there, didn't it?

7 A. Sometimes.

8 Q. What was the average amount of time you would say it
9 took to get there?

10 A. I don't recall.

11 Q. But you would travel with me to and with me back; is
12 that correct?

13 A. That's correct.

14 Q. Okay.

15 And what were your requirements as far as how many
16 hours you were to put in, do you know what that was?

17 A. Where?

18 Q. At the congressional office?

19 A. I guess there was no time required because you
20 wouldn't let me go to the office.

21 Q. I see. But you're not then familiar with any rules
22 or regulations governing part-time employees, is that your
23 answer?

24 A. No.

25 Q. Okay. Then do you have any knowledge of the rules

Rovnak - Cross

1 and regulations of Congress governing part-time employees?

2 A. No, I don't know.

3 Q. Okay. Did anyone in the office ever explain it to
4 you?

5 A. No, not -- not in any detail. Let's put it that way.
6 The most that was told to me was by Chuck O'Nesti, that
7 more or less I wasn't -- I had to do the work -- the
8 constituent work opposed to doing work out at the farm.

9 Q. All right.

10 But it's your testimony you were exclusively hired by
11 me to be a farm worker on Government payroll, correct?

12 A. Well, I can't answer for you, no.

13 Q. Well, I'm asking you to answer for yourself. Were --
14 was it your opinion that you were being hired to strictly
15 be a farm worker and be paid by the taxpayers?

16 A. That's what happened, so I don't know what the
17 intentions were, but that's what happened.

18 Q. Okay.

19 Did you have case work files when you were a member
20 of the congressional staff?

21 A. There was some -- I don't know how they -- what the
22 details were, but as far as the cases, like Bill Pierce
23 would have some on his desk, and maybe George Buccella
24 would have some on his desk. And the few times that I did
25 go to the office -- and most of the time -- I mean, all the

Rovnak - Cross

1 time, it was put down what you're doing and meet Jim out at
2 the farm. It was -- I was to take some of the files and
3 work on them. When I did, what was supposed to stay in the
4 office, it was more or less take these files and take care
5 them.

6 Q. Did you have a desk at the congressional office?

7 A. Afterwards I did. After I quit working at the farm.

8 Q. You had no desk assigned to you when you were hired?

9 A. I really don't recall having a desk.

10 Q. And you had no files assigned to you when you were
11 hired? Did you do any case work --

12 MR. SMITH: Objection.

13 THE COURT: There was a question asked of the
14 witness, but you went to a new question. He needs to
15 answer it.

16 THE WITNESS: Can you repeat the question?

17 MR. TRAFICANT: Could the Court Reporter now
18 repeat the question?

19 (Thereupon, the record was read back by the Court
20 Reporter.)

21 THE COURT: Answer one question and then the
22 next.

23 THE WITNESS: I don't recall having been
24 assigned any cases and the second question again was?

25 Q. Did you do any case work?

Rovnak - Cross

1 A. I believe I got a chance to do a few.

2 Q. Okay. But you said while you were working at the
3 farm, you would bring cases to the farm?

4 A. Excuse me. I got a chance to start a few. I don't
5 believe I got anything finished.

6 Q. Let me ask this question. It was your testimony,
7 under the direct examination by the Prosecutor, that you
8 brought cases to the farm, was that your testimony?

9 A. Yes.

10 Q. And you said that I got upset and said don't do that,
11 right?

12 A. Correct.

13 Q. Is that your testimony?

14 A. Correct.

15 Q. Were you aware of the law, that it is illegal to take
16 confidential constituent files out of the office?

17 A. No, I didn't know.

18 Q. Did you ask me why I told you not to bring them to
19 the --

20 A. No, I didn't ask you.

21 Q. Okay. Fine.

22 Now, when you went to Washington D.C., did you get a
23 name tag so you could go to the different place and to the
24 gallery and watch the speeches, et cetera?

25 A. Yes, I did.

Rovnak - Cross

1 Q. Okay.

2 And did you meet the members of the Washington staff?

3 A. Yes, I did.

4 Q. Do you know who the director was or the chief?

5 A. I don't know any titles. The only one that I knew
6 kind of random, and I'm not sure, was Richards.

7 Q. You knew West Richards?

8 A. Yeah, I knew of him.

9 Q. Yeah, you knew West. Okay. So did you have any
10 conversation with West Richards about all this time
11 reporting out at the farm, up to 16 hours a day?

12 A. Jim, there was a question you asked again back about
13 three or four questions, and I'd like to -- I'm not sure I
14 finished answering. I was thinking, and you went on to
15 another question. Can I -- I don't want it -- you know
16 like the wrong answer being given.

17 Q. Well, I don't want you to give any wrong answers
18 either, but we'll come back to it and I'll give you a
19 chance.

20 I'll tell you what. I'll say it's your turn,
21 Richard, go back. But let's stay with my train of thought
22 since I'm the examiner. Okay?

23 A. Sure. Could you repeat the question you gave me?

24 Q. Yeah. You said you knew West Richards?

25 A. That's correct.

Rovnak - Cross

1 Q. Did you spend time with West Richards and me on
2 occasion?

3 A. On some occasions.

4 Q. Okay.

5 Did you ever tell West Richards you worked as much as
6 16 hours on the farm, and you were very upset about it?

7 A. I -- I believe it may have came up. I'm not
8 positive, but it may have been because we had gotten to
9 that -- that far in our friendly relationship.

10 Q. So you were sort of friendly with West?

11 A. Correct.

12 Q. And you would discuss concerns with a friend, would
13 you not?

14 A. Sure.

15 Q. Yeah. Now, at some point, you said Chuck O'Nesti
16 told you that there was a job available for you to look
17 into; is that correct?

18 A. Yeah, correct.

19 Q. Um-hum. And you then did meet with a company called
20 Gilbane, was it?

21 A. That's correct.

22 Q. And Gilbane was -- would you explain what they did?

23 A. You want me to explain what they did? Is that what
24 the question is?

25 Q. You said they were the something?

Rovnak - Cross

1 A. Construction manager.

2 Q. At where?

3 A. Any job that they got to bid on, what a construction
4 manager does is -- is it okay to hypothesize? Okay?

5 Q. What specific job did Gilbane hire you to do?

6 A. Okay. I started out as a plans clerk.

7 Q. Where?

8 A. At the Mahoning Valley Sanitary District.

9 Q. Would you explain to the jury what that was?

10 A. The Mahoning Valley Sanitary District?

11 Q. Yes.

12 A. They -- I guess you can say sanitized the water and
13 bring it up to a drinking standard for 300,000 people.

14 Q. Okay.

15 A. That's the number that's in the Vindicator all the
16 time.

17 Q. Did you get full benefits?

18 A. Yes. Yes, I did.

19 Q. Do you recall when you divorced your wife?

20 A. I'm not positive of the month and so --

21 Q. Could you provide them to the Court for our records
22 at my request?

23 MR. SMITH: Objection.

24 THE COURT: Sustained. You can obtain that.

25 Q. Isn't it a fact that you didn't divorce your wife

Rovnak - Cross

1 until after you went on the congressional payroll? Yes or
2 no, Richard.

3 A. I don't recall. Like I said, Jim, we were separated.
4 We were trying a legal separation for awhile, a separation
5 for awhile, and I don't recall exactly when we got divorced
6 as -- in relation to my being hired.

7 Q. Do you know if the Gilbanes were part of a criminal
8 investigation regarding the Mahoning Valley Sanitary
9 District?

10 MR. SMITH: Objection, relevance.

11 THE COURT: Sustained.

12 Q. Were you ever investigated by the FBI for actions of
13 Gilbane or any of the employees or managers of the Mahoning
14 Valley Sanitary District?

15 MR. SMITH: Same objection.

16 THE COURT: It's the same ruling. Sustained.

17 Q. Richard, do you love your sister?

18 A. Sure I do.

19 Q. How many sisters do you have?

20 A. Five -- well, four, my sister Marge that just passed
21 away.

22 Q. I'm sorry to hear that.

23 A. I know that.

24 Q. Now, something I didn't know and the Prosecution
25 brought up relative to some language regarding your

Rovnak - Cross

1 participation in the civil case, would you explain what the
2 civil case was?

3 A. You mean my -- the deposition that I gave?

4 Q. Yeah, your sister, the deposition relative to the
5 civil case?

6 A. Okay. And your question again is?

7 Q. What was the reason for them taking a deposition from
8 you, and what was -- who was versing whom?

9 A. I guess she was suing a -- the company that owned her
10 apartments. I guess she fell and hurt herself, and again
11 my reasoning --

12 Q. That's fine. You answered the question.

13 Now, you said that you made false statements in that
14 deposition. What were the false statements you made?

15 A. My statements were that I was there and seeing things
16 that happened that -- that I wasn't -- I wasn't there at
17 the time.

18 Q. So you lied?

19 A. Yes, I did.

20 Q. Under oath?

21 A. Yes, I did. And I'm not proud of it.

22 Q. Did you yourself tell that to the FBI when they
23 interviewed you?

24 A. Yes, I did.

25 Q. Did the FBI during the interview tape your

Rovnak - Cross

1 conversation?

2 A. Not that I know of.

3 Q. Okay. Now, you used the word perjury?

4 A. Yes.

5 Q. You know what perjury means?

6 A. I take it to be lying under oath.

7 Q. Now, you blamed this perjury on heavy medication?

8 A. No. I blame it on myself, but it was -- I believe
9 that -- I wouldn't have been so lax and stupid if I wasn't
10 under that medication.

11 THE COURT: Is this the number of it?

12 MR. TRAFICANT: Yes.

13 THE COURT: ROV-20.

14 MR. TRAFICANT: I don't know what the ongoing
15 number was.

16 THE COURT: ROV-20.

17 THE COURT: Are you -- I'm waiting to hear.

18 MR. TRAFICANT: Do you need more time,
19 gentlemen? What are we waiting on?

20 THE COURT: I'm waiting to see if there is
21 any response to this.

22 MR. SMITH: No, your Honor, I have nothing.

23 BY MR. TRAFICANT:

24 Q. Does that appear to be my signature on this document,
25 Richard?

Rovnak - Cross

1 A. May I look at this?

2 Q. I would ask you, first, if you would look and see if
3 that appears to be my signature.

4 THE COURT: You have to speak up because she
5 can't hear you.

6 THE WITNESS: I'm sorry. From what I
7 remember, it don't look like your signature. From what I
8 remember. I could be wrong.

9 Q. Okay. Is that your signature?

10 A. It looks like my signature, yeah.

11 Q. Now, were you -- turn the page over, and I have some
12 questions to ask you about this. Just fold it over without
13 the signatures.

14 MR. SMITH: Okay. I'm sorry.

15 MR. TRAFICANT: Just an old sheriff ploy.

16 THE WITNESS: I didn't hear that.

17 Q. Just an old sheriff ploy. Shouldn't have said it,
18 and I ask it be stricken.

19 (Laughter.)

20 THE COURT: It's getting confused.

21 MR. TRAFICANT: I'm sorry. I've spoken out
22 of order.

23 Q. Would you excuse me while you have a chance to maybe
24 read that, and if you can't, and I know handwriting is hard
25 to read, but does that handwriting appear to you to be of

Rovnak - Cross

1 somebody you might recognize?

2 A. If I was to guess, it kind of looks like your
3 handwriting.

4 Q. Fine. So it's my handwriting?

5 A. Kind of looks like your handwriting.

6 Q. And your signature? But you're not sure about my
7 signature, right?

8 A. Right.

9 Q. Okay.

10 What was the date of it?

11 A. October 31, 1990.

12 Q. When were you hired?

13 A. I believe it was in October of 1990.

14 Q. And what is this document?

15 A. Is this that guy that never showed up to paint the
16 boat?

17 Q. No. I'm asking you, what is the document?

18 A. That's what I'm asking -- oh, it looks like a
19 contract to paint the boat.

20 Q. And?

21 A. The paint repairs on an SUZ.

22 Q. I'll ask the questions. I'll ask the questions.

23 A. I'm answering your question, Jim.

24 Q. Go ahead. Read it then and say what it is.

25 A. He you asked me what it was. I want to answer that.

Rovnak - Cross

1 THE COURT: Okay. Go ahead and answer that,
2 please.

3 THE WITNESS: Looks to me to be a contract to
4 paint and make repairs on SUZ, a harbor 37-foot FBM-4 by
5 Peter McQuiston.

6 Q. Peter McQueen?

7 A. McQueen, yeah, I'm sorry. And his address, I
8 believe, agree to paint and sand all -- I can't --

9 Q. Surfaces?

10 A. Surface, okay. Except deck, with two coats of paint
11 written base paint.

12 Q. Yes.

13 A. To also paint inside exterior cupboards.

14 Q. Yes.

15 A. And --

16 Q. Benches?

17 A. Benches. Two coats with marine paint Number 3 to
18 sand and varnish boat and transit.

19 Q. Transom?

20 A. Okay. Transom with six coats. Number 4, to repair
21 damaged surfaces on wood near or around door opening and as
22 seen or deemed necessary.

23 Q. Number 5?

24 A. Number 5, all of nose -- nose.

25 Q. V's?

Rovnak - Cross

1 A. All of these to be performed for total of \$1,000, and
2 then it's spelled out one thousand. Payment upon
3 completion, and it says signed October 31, 1990, as Peter
4 McQueen, and it's spelled and written, signed, and then
5 supposedly your signature, and underneath, it's spelled
6 out, James A. Traficant, J. A. Traficant, owner, and then
7 it's supposedly witnessed by me, witness -- well, it's my
8 signature. I -- the only --

9 Q. What does it say under your signature?

10 A. It says witness.

11 Q. Okay.

12 A. Witness, and then my name was spelled out, yeah.

13 Q. Okay. Now, you claim this fellow never did this
14 work?

15 A. I'm sorry.

16 Q. You say this fellow never did this work?

17 A. I remember something to where a kid did some work or
18 whatever, and it was shoddy, and he wanted more money or
19 something. He come back and --

20 Q. How many weeks in a row did you go with me to
21 Washington, D.C.?

22 A. I don't believe it was week inside a row. It would
23 be for a couple of days. I don't think we ever stayed more
24 than maybe three days. I don't think we stayed any more
25 than that and come home and not go back for maybe at least

Rovnak - Cross

1 a couple weeks.

2 Q. Yeah. So do you recall an evening when we initiated
3 a piece of appliance in the boat? Do you remember that
4 evening?

5 A. You mean the shrimp.

6 Q. No. I'm talking about the stove?

7 A. Yeah.

8 Q. You remember an incident with the stove?

9 A. Yeah, something smoked us out or whatever, is that
10 what you're talking about?

11 Q. Don't remember anything about a chicken in the stove?

12 A. Yeah. I do -- now I do. I couldn't remember what
13 item it was.

14 Q. Okay. What did we do that night?

15 A. Probably sang and stuff, we used to do a lot of that.

16 Q. We had a lot of fun, huh?

17 A. Oh, yeah.

18 Q. And how long it take us to chip -- chip that chicken?

19 A. It seems like days, Jim.

20 Q. And didn't we, in fact, screw up because it was a
21 marine appliance that we had no knowledge of?

22 A. Yeah, it was -- they worked a little different than
23 the standard stove.

24 Q. And would you say it took us an awful lot of time to
25 try to clean up the mess?

Rovnak - Cross

1 A. Yes, yes, it seemed like days, Jim, again.

2 Q. Richard, do you consider me a friend?

3 A. I feel that I'm your friend. I -- I wish you were a
4 better friend than me, I'm sorry, but that's how I feel.

5 Q. Isn't it a fact you wish I allowed to you stay on
6 payroll part-time while you had a full-time job?

7 A. I'm sorry. I didn't hear that.

8 Q. Isn't it a fact you wished I would have let you stay
9 on a part-time payroll of the taxpayers while you had a
10 full-time job with another Government associated entity?

11 A. No, no. I -- I never even -- that never entered my
12 mind.

13 Q. Well, let me ask you this --

14 A. Go ahead.

15 Q. Do you love your sister more than you consider me a
16 friend?

17 A. It's comparing -- I feel it's comparing apples and
18 oranges. I don't --

19 Q. You love me as much as you love your sister?

20 A. Again, I just -- to me, I would never try to decide
21 that. I don't think that's a fair question.

22 Q. Oh.

23 A. I mean -- like I said, I feel that I'm your friend,
24 and I love you as a friend, but, you know, I -- I would --
25 I'm sorry that I would ever hurt her or you.

Rovnak - Cross

1 Q. Okay. Now, when you were first contacted by the FBI,
2 did you go to them, or did they come to you?

3 A. The very first time?

4 Q. Yeah, when -- about the Traficant case?

5 A. Okay. Because there was some doings -- the first
6 case, the first time you were --

7 Q. I'm talking about this case. When was the first time
8 they came to you?

9 A. Okay. The very first time was, I believe it was --
10 they contacted me, and it had something to do with the M V
11 S -- M-V-S-D and -- one second --

12 THE COURT: Take some sugar.

13 THE WITNESS: Yeah, I did.

14 THE COURT: Okay.

15 THE WITNESS: MVSD, oh, and the Gilbane
16 Company as far as the doings with Ed Flask and the loans or
17 the money with the Government and everything. That's -- I
18 was contacted.

19 Q. Did the FBI ask you if I had any involvement with the
20 M V S D/Gilbane matter?

21 A. I don't think they did, no.

22 Q. When did they then come to you about me in this case?

23 A. Oh, I believe I contacted them, but it wasn't -- it
24 didn't start out about you.

25 Q. Well, you contacted them about what?

Rovnak - Cross

1 A. Phil Chance.

2 Q. Okay. And could you identify who Phil Chance was?

3 A. Phil Chance was a -- I met him -- he was a year
4 behind me in high school, and he was a lieutenant under
5 you.

6 Q. Okay.

7 A. And also at one point a chief deputy, and that's who
8 he is. But I mean, you want me to go further?

9 Q. No. At the time that you called them, he was what?
10 What was his position?

11 A. He was a sheriff of Mahoning County.

12 Q. Okay. Then was it at that time when they were
13 talking to you about Phil Chance they brought up Jim
14 Traficant?

15 A. No. I brought it up as far as -- more, I guess it
16 would be more rehashing, the events that happened when you
17 were sheriff, him kicking in a door while I was standing
18 there, and then I'm sorry, Jim, but you're covering it up.

19 Q. I covered up his kicking in a door?

20 A. Yeah, yeah. He kicked in a door with some other
21 people, and you were on trial up here and me and Bill
22 Kuzniak came up to tell you about it, and you said you'd
23 handle it when you come back, and nothing was ever done
24 about it. He ended up arresting a guy, taking him from his
25 job. He ended up losing his job.

Rovnak - Cross

1 Q. Without a warrant, is that -- is that what you're
2 saying?

3 A. No warrant involved, no. It was actually a burglary.

4 Q. I see.

5 Do you have any knowledge that when I came back, that
6 I demoted Phil Chance and named a new chief deputy?

7 A. You could have. I don't know, but as far as -- I --
8 I didn't see any -- any arrests of Phil Chance for doing
9 what he did.

10 Q. Okay. But was not a man by the name of Captain
11 Crater promoted to chief deputy?

12 A. Yeah, um-hum, yes.

13 Q. So, therefore, if Captain Crater was promoted to
14 chief deputy, then the chief deputy who previously served
15 would have been demoted. Would that be a fair assumption?

16 A. Are you saying that's his punishment for breaking and
17 entering?

18 Q. No, no. I'm just saying did I demote the former
19 chief deputy?

20 A. Well, I'm not sure if -- that he was demoted or
21 promoted. I don't know, I don't know if there's something
22 higher or --

23 Q. You know, though, that the chief deputy was the chief
24 of the law enforcement office in the Sheriff's Department,
25 don't you?

Rovnak - Cross

1 A. Correct.

2 Q. And Captain Crater became the chief, you know that?

3 A. Yes.

4 MR. TRAFICANT: No further questions.

5 MR. SMITH: No questions, your Honor.

6 THE COURT: Thank you, sir. You may step
7 down.

8 THE WITNESS: Okay. Thank you very much.

9 THE COURT: Ladies and gentlemen, we're going
10 to take your lunch break a few minutes early because it's
11 hard to start a new witness in the -- and interrupt them
12 for lunch.

13 So we'll take your lunch break, and we'll make it run
14 for an hour and a half. Let's see. We'll resume at 1:15.
15 Okay? So you'll get your full hour and a half but still
16 get to use more of the trial day. Remember your
17 admonitions. Don't talk about the case, don't let anyone
18 talk to you about the case, et cetera. I think there may
19 be another case in the building where a decision has been
20 issued, and you may find some press clustered around. Just
21 don't talk to anybody or allow them to talk to you.

22 (Thereupon, a luncheon recess was had.)

23

24

25

Buccella - Direct/Smith

1 Thursday Session, February 21, 2002, at 1:15 P.M.

2 GEORGE BUCCELLA,

3 of lawful age, a witness called by the GOVERNMENT,

4 being first duly sworn, was examined

5 and testified as follows:

6 DIRECT EXAMINATION OF GEORGE BUCCELLA

7 BY MR. SMITH:

8 Q. Sir, would you please state your full name and spell
9 your last name for the Court Reporter.

10 A. George Franklin Buccella, B-U-C-C-E-L-L-A.

11 Q. What city do you live in, sir?

12 A. Middle Ridge, Ohio.

13 Q. What's your current occupation?

14 A. Administrator for the Trumbull County Health
15 Department.

16 Q. When did you start working at the Trumbull County
17 Health Department?

18 A. May 4 of 2000.

19 Q. What are your duties there?

20 A. There's about 28 people that work under me, and I
21 administer them.

22 Q. What was your job before you went to work for the
23 Trumbull County Health Department?

24 A. I was a staff representative for Congressman J. A.
25 Traficant.

Buccella - Direct/Smith

1 Q. What was the last day you worked for Congressman
2 Traficant?

3 A. May 3 of 2000.

4 Q. And would you briefly explain why you left his
5 employment to take the current job?

6 A. Because of the money.

7 Q. When did you start working on Congressman Traficant's
8 staff?

9 A. I believe it was February 1st of 1985.

10 Q. And how long after the Congressman had been first
11 elected to Congress did you get hired?

12 A. Approximately one month.

13 Q. Had you had any prior governmental service of any
14 kind before starting with Congressman Traficant's staff?

15 A. Yes, I was an Weatherford Township elected trustee.

16 Q. What does a Weatherford Township trustee do, what are
17 the duties?

18 A. You're responsible for the roads, the cemeteries,
19 fire departments, police departments if you have them in
20 your community.

21 Q. How did you first meet Congressman Traficant?

22 A. If I remember correctly, I believe he worked a lot
23 with the drug programs. I called him to speak at our
24 school on drugs.

25 Q. Was this while he was a law enforcement officer?

Buccella - Direct/Smith

1 A. Yes.

2 Q. And would you describe the process of how you came to
3 be hired to the Congressman's staff.

4 A. I believe he had a fund raiser that I attended, and
5 then I got a little involved in the campaign in the first
6 at the beginning and then worked on his campaign.

7 Q. How did you come to be hired on his congressional
8 staff after he was elected?

9 A. After he was elected office, he just asked me if I
10 would want to work on his staff.

11 Q. What was your starting pay in 1985?

12 A. \$16,000 a year.

13 Q. And what was your pay when you left?

14 A. I think with the last raise it was somewhere in the
15 neighborhood around \$32,000.

16 Q. Were you a full-time or part-time congressional staff
17 employee?

18 A. Full-time.

19 Q. Was that throughout this period?

20 A. Yes.

21 Q. When you were hired, were subjects like vacation or
22 sick time explained or expressed to you?

23 A. No.

24 Q. Throughout the time period that you worked on
25 Congressman Traficant's staff, how did you receive your

Buccella - Direct/Smith

1 paycheck?

2 A. It was in the mail, once a month.

3 Q. U.S. Postal Service?

4 A. Yes.

5 Q. What were your duties as a member of Congressman
6 Traficant's staff?

7 A. I don't remember the exact words, but as close I can
8 remember, it was that if anybody calls with a problem, do
9 whatever you can to help them.

10 Q. When you started out working for Congressman
11 Traficant, were your hours set or were they flexible?

12 A. The office hours was 8:30 to 4:30, but there was a
13 lot of times at night and stuff on weekends that you had to
14 do -- and represent --

15 Q. Were you required to be there 8:30 in the morning?

16 A. I don't know if that was really discussed. I was
17 told a couple times that the office hours opened at 8:30.

18 Q. Did you have any other business that you were
19 attending to in addition to your congressional staff
20 position?

21 A. Yes.

22 Q. All right. What was that business?

23 A. I had a pizza shop.

24 Q. All right. And describe, if you would, what your
25 duties were at that pizza shop?

Buccella - Direct/Smith

1 A. Everything from washing dishes to making the pizzas
2 for sale.

3 Q. And were you -- did you have any equity interest in
4 this pizza shop?

5 A. My wife and I owned it. It was a family business.

6 Q. You were an owner?

7 A. Yes.

8 Q. As the owner of the shop, did you have any contracts
9 with the school system?

10 A. Yes, I did.

11 Q. Why don't you explain briefly what that was about?

12 A. It changed from time to time over the two or three or
13 four years. I don't remember how long we had the contract.
14 Some years we did two schools. Some years we did three.
15 Some years we did one school, and we did them one day a
16 week in the morning.

17 Q. And on days that you had a service school contract,
18 did that make you a little bit later than other employees
19 getting to work?

20 A. Yes.

21 Q. And did you have the Congressman's approval to do
22 that?

23 A. Yes, sir.

24 Q. At which of the Congressman's district offices did
25 you start working?

Buccella - Direct/Smith

1 A. I worked at the Niles office that was on 422.

2 Q. And did something happen at that office that caused
3 you to leave that office and work elsewhere for a time?

4 A. Yeah, there was a tornado in '85.

5 Q. And was there substantial damage to that building?

6 A. Yes, sir.

7 Q. Where did -- what office location did you next work
8 in?

9 A. I think I went from there to the Warren office in
10 Warren City Hall.

11 Q. Any other offices you worked at after Warren?

12 A. I worked in the Youngstown office on Overhill.

13 Q. All right.

14 And then after Overhill, did you work in any other
15 office?

16 A. Eastwood Mall in Niles.

17 Q. While you were at the Youngstown office who was your
18 day-to-day supervisor?

19 A. Jackie Bobby.

20 Q. And while at Niles, who was the day-to-day supervisor
21 there?

22 A. Betty Manente.

23 Q. You know how to spell Ms. Manente's name?

24 A. I'll guess: M-A-N-E-N-T-I, I think.

25 Q. During the time that you were on Congressman

Buccella - Direct/Smith

1 Traficant's staff, did you ever work at a farm located on
2 Route 165 and Greenford, Ohio?

3 A. Yes, sir.

4 Q. And whose farm was that?

5 A. I was always told that it belong to Mr. Traficant,
6 the Congressman's father.

7 Q. Who told you that?

8 A. I can't remember who that was.

9 Q. All right.

10 How many -- who did you -- who, if anyone, did you
11 see on a regular basis out at the farm when you went there?

12 A. It was a girl that stayed there that trained horses
13 by the name of Sandy. She was probably the most normal
14 person I would see.

15 Q. Anybody else that you saw out there?

16 A. As far as other people out there?

17 Q. Yeah, people.

18 A. Yeah.

19 Q. Who?

20 A. Some I didn't know, some was -- I can't remember
21 their names because all I knew was the first name, but
22 there was two or three people from the office from time to
23 time.

24 Q. Okay.

25 Why did you go out to the farm to work -- to work out

Buccella - Direct/Smith

1 at the farm?

2 A. Congressman asked me to meet him there.

3 Q. So in addition to this woman who was out there, did
4 you see the Congressman at the farm from time to time?

5 A. Yes.

6 Q. Did you go to the farm to work during office hours?

7 A. Yes.

8 Q. Mondays through Fridays?

9 A. Different days.

10 Q. Workdays?

11 A. Yeah, different days.

12 Q. To your knowledge, was any paperwork prepared by you
13 to cover your time at the office?

14 A. No.

15 Q. Any vacation slips?

16 A. No.

17 Q. Leave slips?

18 A. No.

19 Q. Did you ever notify anybody that you were going to go
20 down to the farm to work?

21 A. Yes.

22 Q. Who would you notify?

23 A. I would call in the office in the morning and talk to
24 either Jackie or Grace or Chuck whoever answered the phone
25 and advised them if Jackie was on the phone.

Buccella - Direct/Smith

1 Q. Would that be while you were at the Youngstown
2 office?

3 A. That was while I was at the Youngstown office, in the
4 Niles office I would call Betty, and if she was on the
5 phone, I'd tell whoever else answered the phone, let them
6 know.

7 Q. Did you use any particular expression at times when
8 you notified either the Youngstown office or the Niles
9 office that you were going to go to work at the farm?

10 A. I'm not sure I understand exactly what you're saying.

11 Q. Do you recall --

12 A. You mean like -- where I was going?

13 Q. Yeah.

14 A. I would sometimes tell them I was going south, or I
15 would tell them I was going to the farm.

16 Q. During the 15-year period you worked for Congressman
17 Traficant and his staff, approximately how many times did
18 you go down to the farm to do work during office hours,
19 approximately?

20 A. I have no idea, never kept track of any of that.

21 Q. Well, are you able to put any kind of a range with a
22 figure on it?

23 A. 100 to 300 times over 15 years, maybe. I really
24 don't know. I didn't keep track of that at all.

25 Q. You think at least 100 times?

Buccella - Direct/Smith

1 A. Yes.

2 Q. Possibly more?

3 A. Yes.

4 Q. What kind of hours did you work when you went out to
5 the farm during work days?

6 A. It varied. Sometimes I would go down at 7:00 in the
7 morning. Sometimes I wouldn't get there until 10:00 in the
8 morning.

9 Q. All right. And what time would you leave?

10 A. Sometimes 3:00, sometimes 5:00, sometimes 6:00.

11 Q. Would you please describe the different types of
12 tasks that you performed at the farm.

13 A. I worked on equipment, I -- you want me to tell what
14 you kinds of equipment or just --

15 Q. Sure.

16 A. There was tractors, there was trailers, we got hay, I
17 baled hay, stacked hay. Did some carpenter work.

18 Q. What did that involve, the carpentry work?

19 A. I did some work on a deck. I put some wood up in the
20 barn.

21 Q. Was there a corn crib out at the Congressman's farm?

22 A. Yes.

23 Q. Did you do any work on that?

24 A. Yes.

25 Q. What did you do with the corn crib?

Buccella - Direct/Smith

1 A. We put metal siding on it, and if I remember, we took
2 some of the pieces inside that had to do with the crib
3 and made it like a one-room building.

4 Q. Do you recall what purpose that building was able to
5 serve after you fixed it up?

6 A. It was like a tool shed.

7 Q. Did you ever do any work inside of the barns?

8 A. Yes.

9 Q. Why don't you tell us about the work you did in the
10 barns, everything that you can recall.

11 A. Repair some stalls, helped to build some stalls.

12 That's basically what I did in the barns.

13 Q. Do you recall any tasks you performed that involved
14 use of telephone posts?

15 A. Yes.

16 Q. All right. What did that involve?

17 A. We built -- for lack of a better term, like a ring
18 that would contain the horses.

19 Q. Okay. And what were the telephone posts used for, in
20 that job?

21 A. They were used for posts and used to lay across the
22 post to -- to encompass the circle of the area the horses
23 would be kept in.

24 Q. Who determined what tasks that you were supposed to
25 perform out at the farm?

Buccella - Direct/Smith

1 A. Sometimes it came from Sandy, sometimes the
2 Congressman, sometimes some of our staff.

3 Q. Who on the staff would tell you what to do with the
4 farm?

5 A. Jackie Bobby, Chuck O'Nesti.

6 Q. Were any of these tasks that you referred to,
7 carpentry, baling hay, what not, were those any part of
8 your official duties as a staff representative?

9 A. No.

10 Q. How many days would it take you to perform such tasks
11 when you went consecutive days?

12 A. I don't know that it would take over one day or two
13 days. I never really kept track of when I started and when
14 I stopped. Sometimes it started and not finished at that
15 time.

16 Q. What was the longest you ran around the farm
17 consecutively, number of days?

18 A. Maybe five days in a row, ten days in a row, I really
19 can't give you a definite tile time. I never --

20 Q. How were you paid for the work you did out on the
21 farm?

22 A. I never got paid.

23 Q. Were you receiving a congressional paycheck during
24 the time period that you were doing this work out at the
25 farm?

Buccella - Direct/Smith

1 A. Yes.

2 Q. Did Congressman Traficant pay you anything?

3 A. No.

4 Q. Did any member of his family pay you anything?

5 A. No.

6 Q. Did James Traficant, Senior, his father, pay you
7 anything?

8 A. No.

9 Q. Out of the more than 100 times that you went out to
10 the farm to do work, how many times did you see James A.
11 Traficant supervised employees at the farm?

12 A. Two or three, probably, maybe five.

13 Q. Did -- did the Congressman's father James A.
14 Traficant, Senior give you any directions as to what things
15 you were to do at the farm?

16 A. No.

17 Q. Prior to working at Congressman Traficant's farm, had
18 you ever done farm work before in your life?

19 A. You know, I'm -- I don't recall specifically, but
20 I -- I think when I was a kid, I might have worked a little
21 bit on a farm, you know.

22 Q. As an adult?

23 A. Family -- not as an adult I don't recall doing that.

24 Q. Why did you go out and do this work at the farm?

25 A. I think it was probably two reasons: One, I enjoyed

Buccella - Direct/Smith

1 working with the Congressman and doing those things with
2 him. And the other was when he asked me -- if I could do
3 that, I would try to do that for him.

4 Q. Did the Congressman have any animals at the farm?

5 A. Yes.

6 Q. What did he have?

7 A. There were horses there. And I think one goat.

8 Q. Okay. Do you recall the type of horses these were?

9 A. No idea.

10 Q. Did you ever see any of the other congressional staff
11 members out working at the farm during business hours?

12 A. Yes.

13 Q. Who?

14 A. Anthony Traficanti, Rich Rovnak, I saw Chuck O'Nesti
15 out there a couple times, not doing a lot of work, but he
16 was there.

17 Q. What kind of work did Anthony Traficanti do during
18 business hours at the farm?

19 A. We were baling hay.

20 Q. Over the years that you were at the farm, did you
21 observe any changes to the house located on the property?

22 A. Yes.

23 Q. Would you describe the changes that you saw occur to
24 the house on the property.

25 A. There was a four-car garage built. There was a deck

Buccella - Direct/Smith

1 built, I'm not sure how to describe it. It was like an
2 addition put on the back. It was like a room downstairs
3 and a room upstairs.

4 Q. Now you mentioned working on a deck at one time on
5 the farm of the house; is that right?

6 A. Yes.

7 Q. Was there additional deck work done after you had
8 completed whatever you did to it at some point?

9 A. I don't know what the deck was like today. I can't
10 tell you if there's any work done since then. I can -- I
11 think looking at one of the pictures, I think that it would
12 show that there was additional work done after I was gone
13 from there.

14 Q. This addition put on the house, can you describe that
15 addition?

16 A. Size of the room is about, probably maybe a 10 by 12,
17 and there's one room stacked on top of the other one, like
18 for two floors of the house.

19 MR. SMITH: One moment, your Honor.

20 BY MR. SMITH:

21 Q. Mr. Buccella, did you ever express any feelings to
22 other staff members about going out to the farm to do this
23 work?

24 A. Yes.

25 Q. All right.

Buccella - Cross

1 Could you tell us what you said to the other staff
2 members about having to work out there?

3 A. You want me to use the exact words?

4 Q. To the degree that you can recall.

5 A. I worked my ass off. I was tired.

6 Q. Sir, are you testifying here today under a grant of
7 use of immunity?

8 A. Yes.

9 Q. All right. Would you explain to the jury what you
10 understand immunity to mean?

11 A. I'm not sure I can explain that because I've never
12 read the definition of it, but it's my understanding that I
13 have no charges over me in talking with my lawyer.

14 Q. Okay.

15 MR. SMITH: Your Honor. I have no additional
16 questions at this time.

17 THE COURT: Thank you. Congressman.

18 CROSS-EXAMINATION OF GEORGE BUCCELLA

19 BY MR. TRAFICANT:

20 Q. How are you doing?

21 A. Congressman.

22 Q. How do you like your new job?

23 A. I like it very much.

24 Q. Did I in any way help you to get that job?

25 A. Yes, sir.

Buccella - Cross

1 Q. Did I put in a good recommendation for you?

2 A. I believe you did, yes.

3 Q. You think it helped you?

4 A. I hope so. I got the job.

5 Q. Is the reason you left because you were able to earn
6 more money there, George?

7 A. Yes.

8 Q. Did you and I, when you left office, were we as good
9 a friends as we were when we started?

10 A. I think so, yes.

11 Q. You think we might have been better?

12 A. I don't think we're any better. I don't think it was
13 any worse. I feel that we -- on my side of the story is
14 that we were just as good friends as ever.

15 Q. So when we first started out, you called me to speak
16 to the school, right? You called me to speak to the
17 school?

18 A. Yes, yes.

19 Q. About drugs. What school was that?

20 A. Middle Ridge.

21 Q. Okay. And did you at that particular point express
22 some feelings towards my work?

23 A. I felt very good you had done a lot with kids that I
24 was told. I was told that you had spoke at McDonald's
25 School, got a good crowd. I felt we had a small problem at

Buccella - Cross

1 our school with drugs. At that time, I was on this
2 committee that Nancy Regan had with the chemical people,
3 and that's why I called you to come to our school to speak.

4 Q. To the best of your knowledge, did the problem seem
5 to abate itself after I started work for the school?

6 A. I never had numbers before or numbers later to
7 compare, but I think that, if anything, it helped. I think
8 some of the -- some of the examples that you used with the
9 student body that was there, and we had seventh grade
10 through twelfth. I think the examples helped the kids to
11 understand maybe more.

12 Q. Did you and I develop a mutual respect in our
13 professional paths?

14 A. I believe so, yes.

15 Q. Did we ever have conversations about your duties as a
16 trustee?

17 A. Yes.

18 Q. Did you ever explain to me the things that -- the
19 types of things you did?

20 A. I'm sure over the years we talked. I can't
21 specifically pinpoint anything in one specific thing, but
22 I'm sure we talked over the years about being a trustee and
23 what the job requires.

24 Q. Did we have specific conversation about things that
25 you did, that most trustees don't do? Would that ring a

Buccella - Cross

1 bell?

2 A. I'm not sure off the top of my head that I can
3 remember one specifically.

4 Q. Well, did most trustees go out 3:00 or 4:00 in the
5 morning to ride tractors?

6 A. No, they do not.

7 Q. Did you do that?

8 A. Yes, I did.

9 Q. Did they report fires, riding the fire department at
10 1:00 in the morning?

11 A. No, they didn't.

12 Q. Did they take constituent problems at 2:00 in the
13 morning when they knocked on their doors?

14 A. No -- I don't know if they did that. I don't know.

15 Q. Did you do that, George?

16 A. Yes.

17 Q. Did you and I ever have any conversations relative to
18 my respect for you in that regard?

19 A. I think over the years you made comments that I
20 worked very hard at doing a good job, trying to do a good
21 job as a trustee.

22 Q. Now, when you were hired by me, you had a private
23 business; is that correct?

24 A. Yes.

25 Q. Did you make a request of me?

Buccella - Cross

1 A. Yes, I did.

2 Q. What was that request?

3 A. That I had this business where I had this contract
4 with the schools, and that I had to deliver by two or three
5 mornings a week, depending on what the contract read, and I
6 wanted to make sure it was all right with you before I
7 started if I could do that.

8 Q. What, if anything, did I say?

9 A. You said I could do it.

10 Q. Now, were you given a job description in writing?

11 A. Never.

12 Q. What were the exact words that, if you can recall,
13 that I told you when you asked me what you were to do?

14 A. I believe it was something to the effect that if
15 anybody calls with any kind of problem, do what you can to
16 help.

17 Q. Any kind after problem. Would that mean insurance,
18 state, local?

19 A. I took that as meaning no matter what their problem
20 was, to try to do what I can to help.

21 Q. Did you maintain a case load while you were under me?

22 A. Yes, I did.

23 Q. How many approximate active case loads did you have,
24 guesstimate?

25 A. I can't even guess. And only because a lot of times

Buccella - Cross

1 people would call in on the phone with a problem. I would
2 make a phone call to an agency or someone to try to help
3 them, and if the problem got resolved, okay. Sometimes it
4 didn't get resolved.

5 Q. George, you have immunity; is that correct?

6 A. Yes.

7 Q. Did you do anything wrong?

8 A. I don't believe so.

9 Q. Did you ever see me do anything wrong?

10 A. Not to my knowledge.

11 Q. Okay. Now, during the week, where usually was the
12 Congressman?

13 A. If -- as close as I can remember, 90 percent of the
14 time I would guess on Monday nights you spent in
15 Washington. You were in Washington until either late
16 Thursday night or Friday morning.

17 Q. Did you at times go with me to Washington?

18 A. Yes, I did.

19 Q. How many times over the years can you recall going?

20 A. Three or four or five times a year.

21 Q. You recall participating in strikes with the
22 Congressman?

23 A. Yes, I did.

24 Q. Could you name some of those strikes?

25 A. Youngstown teachers' strike, arms strike, Superior

Buccella - Cross

1 Beverage strike, I think that's the ones that I was
2 directly and mostly involved with, national --

3 Q. Did the Congressman place any conditions on those
4 strikes to participate in?

5 A. Can you explain what you mean by "on me"?

6 Q. Well, for example, did I say that -- did I ever say I
7 would only participate under certain circumstances?

8 MR. SMITH: Objection.

9 THE COURT: Sustained.

10 Q. What to the best of your knowledge was the reasons I
11 got involved in these strikes?

12 MR. SMITH: Objection, same.

13 THE COURT: Sustained.

14 Q. What were the duration of some of these strike
15 negotiations, Mr. Buccella, to the best of your knowledge?

16 A. The longest one I remember, if I remember correctly,
17 was the arms strike. It was just over six months.

18 Q. And in the mediation of that strike, how many
19 continuous days were you and I present?

20 A. I want to think around three days, three and a half.

21 Q. In the Youngstown Teacher School Strike, how many
22 continuous days or hours around the clock did we
23 participate in mediation of that strike?

24 A. I believe it was three days, too. I'm not sure about
25 that because I wasn't there at the beginning.

Buccella - Cross

1 Q. You came in at the last two days; is that correct?

2 A. At the end of that strike, did you have occasion to
3 do anything for the Congressman.

4 Q. -- Youngstown strike?

5 A. Yes.

6 Q. And what was it?

7 A. I took you back to Washington.

8 Q. And why do you recall the conversation as to why you
9 were asked to take me back to Washington?

10 MR. SMITH: Objection, same.

11 THE COURT: Sustained. We're going to take a
12 break right here so we can see what's going on with the
13 record.

14 (Pause.)

15 THE COURT: Just so everybody knows, we have
16 a fail-safe system. We're running this on three different
17 screens, and if one of them goes out, the others keep
18 going. So we want to keep a good record.

19 But it's best if we have all three of them operating.
20 You may proceed

21 BY MR. TRAFICANT:

22 Q. After the Youngstown school strike, did you and I
23 have any conversation?

24 A. I'm not sure what you --

25 Q. Relative to my responsibilities in Washington?

Buccella - Cross

1 A. I can't remember right now about that at all.

2 Q. Would you recall if the conversation centered around
3 that I had to get back for votes?

4 A. Yes, yes.

5 Q. What, if any, conversation can you remember when that
6 occurred?

7 MR. SMITH: Objection. Same one.

8 THE COURT: Sustained. Sustained.

9 BY MR. TRAFICANT:

10 Q. Did you have occasion to go to Washington that week?

11 A. Yes.

12 Q. What was the main reason that you went to Washington
13 that week?

14 A. If I remember correctly, Jackie Bobby called me and
15 said to meet you at the motel where these negotiating were
16 because you hadn't been to bed for two days, three days,
17 whatever the number was, and I needed to drive you back to
18 Washington, bring my clothes with me, and we left the next
19 day about -- I want to think it was ten minutes to 11:00.

20 Q. Now, in the times you went to Washington, if you got
21 caught up in traffic, would take quite a bit of time,
22 wouldn't it?

23 A. Yes.

24 Q. Would you say it would take as much as seven hours?

25 A. Sometimes, if you stopped on the way down for gas and

Buccella - Cross

1 stuff.

2 Q. And if it was really crowded on the way back and then
3 you stopped, maybe you had a bite to eat, could even be
4 longer, couldn't it?

5 A. Could be.

6 Q. When you were in Washington, did you interact with
7 the Washington staff?

8 A. Yes, I did.

9 Q. Did you do work with the Washington staff when you
10 were in Washington?

11 A. Some.

12 Q. Did you go and get a tag to identify you so you could
13 circulate throughout Congress?

14 A. Yes.

15 Q. Now, you said you went to the farm for two reasons:
16 Number one, you like to be with the Congressman, was that a
17 true statement?

18 A. Yes.

19 Q. And Number two, you like to get away. What was your
20 one, I forget?

21 A. I don't remember the second one what I said at the
22 time.

23 Q. It happens to us all, George.

24 THE COURT: You have to speak up a little.

25 Q. Did I ever force you to go to the farm, George?

Buccella - Cross

1 A. No.

2 Q. Did I ever tell you as part of your responsibilities
3 to go to the farm?

4 A. No.

5 Q. George, you're now under oath. Were there times
6 where you called your supervisor and said you weren't going
7 to the farm, that you really didn't want to, and you went
8 on some of your own personal business?

9 A. I might have once or twice, but I don't think that
10 was very often.

11 Q. Do you have any knowledge of times that I may have
12 called and inquired where you were? Any of your
13 supervisors ever ask you that?

14 A. Once or twice, once or twice.

15 Q. Now, did you ever work with a fellow putting in a
16 wooden floor in the downstairs of the barn that took up to
17 as much as six months?

18 A. Did I spend six months -- is that what you're asking?
19 I'm not sure.

20 Q. You need not look at the Prosecution table. I want
21 you to listen to the question.

22 MR. SMITH: Objection.

23 THE COURT: Sustained. Just disregard that
24 kind of instruction to the witness. Just ask him
25 questions, Congressman.

Buccella - Cross

1 MR. TRAFICANT: Well, I do get concerned when
2 a witness seems to --

3 MR. SMITH: Objection.

4 THE COURT: Okay. I think maybe we need a
5 break. Do you need a break now?

6 MR. TRAFICANT: I don't need a break. I feel
7 good.

8 THE COURT: Fine. Let's go back to what your
9 job is, ask questions.

10 MR. TRAFICANT: Let's go back to where we
11 were.

12 BY MR. TRAFICANT:

13 Q. Do you remember any other people out there that maybe
14 helped you put in a floor, a wooden floor, small little
15 entry wooden floor in one of the downstairs -- downstairs
16 barns?

17 A. I remember one time it was a gentleman there that
18 helped put the floor down in the barn.

19 Q. How many times did you see that person?

20 A. Maybe ten times over times that I was down there.

21 Q. Okay.

22 Did you know his name by any chance?

23 A. I can't remember. He wasn't from this area, I don't
24 remember. He was out of state.

25 Q. Did he say he was from out of state?

Buccella - Cross

1 A. I think he said he was staying out of state or
2 something. He was living out of state.

3 Q. Okay.

4 Now, you were -- tell us a little bit about some of
5 your hobbies that tie into your activities at the farm,
6 that might have tie into the activities at the farm?

7 A. My hobbies, best I can recall, I have used cars, and
8 I bowl a lot.

9 Q. Was it a fact that you are regarded as one of the
10 best stock car race drivers in the Valley's history?

11 A. I am sure that's somebody's opinion. I don't know.

12 Q. Did you feel that, George?

13 A. I was competitive.

14 Q. Did I own an old Ford truck, George?

15 A. Yes.

16 Q. Was it a safe vehicle?

17 A. It needed some repairs. I'm not sure it would be
18 considered unsafe.

19 Q. Would you ever let your wife drive it?

20 A. No.

21 (Laughter.)

22 Q. Would it have occasion to have the brakes go out, for
23 example?

24 A. Um-hum, yes.

25 Q. Do you recall specific conversations you and I had

Buccella - Cross

1 about the truck and its safety?

2 A. I can remember discussing from time to time that you
3 really should get a different truck because that truck
4 wasn't a good truck and needed a lot of work on it.

5 Q. Did you ever have occasion to pick up a load of oats?

6 A. Yes.

7 Q. What happened on that particular day?

8 A. One time the truck quit.

9 Q. Pardon?

10 A. The truck quit running one time.

11 Q. What happened another time?

12 A. Had some brake problems. I can't remember everything
13 that went wrong.

14 Q. Did the brakes go out and fail one time?

15 A. Yes, once I remember.

16 Q. Completely?

17 A. I think they did, yes.

18 Q. Do you know where they failed? Was it near where you
19 picked up the oats or near the farm?

20 A. I don't recall.

21 Q. If anybody expert driver would have been in that
22 truck, could they have been hurt or hurt somebody else,
23 George, in your opinion?

24 MR. SMITH: Objection.

25 THE COURT: Sustained.

Buccella - Cross

- 1 Q. Did you make it back safely, George?
- 2 A. Yes.
- 3 Q. Now, when do you make hay?
- 4 A. In the summer.
- 5 Q. And why do you make hay in the summer?
- 6 A. I'm not an expert. I'm sure it's probably because
- 7 it's warm, and it's dry.
- 8 Q. And it takes time for what?
- 9 A. To grow.
- 10 Q. And once the hay is cut, what else must happen?
- 11 A. You have to take the time to tent it. Then you have
- 12 to bale it. You have to haul it in and stock pile it in
- 13 the barn.
- 14 Q. Who drove the tractor that did the mowing?
- 15 A. You did most of the time.
- 16 Q. Who drove the tractor that did the tenting?
- 17 A. Sometimes I did.
- 18 Q. Who drove the baling?
- 19 A. You did.
- 20 Q. Who drove the rake, when possible?
- 21 A. You did, and I did a couple times.
- 22 Q. And usually, the Congressman is in Washington during
- 23 the week, right?
- 24 A. Um-hum, yes.
- 25 Q. When do these hay baling incidents occur?

Buccella - Cross

- 1 A. Most of the time when you were here.
- 2 Q. On the weekends?
- 3 A. Friday, Saturday, Sunday, Monday.
- 4 Q. Would you say that most of your time was spent on the
- 5 farm was on the weekend helping with hay?
- 6 A. I never kept track of that, so I really can't answer
- 7 that and be honest about it because I don't know. I didn't
- 8 keep track.
- 9 Q. But you did spend an awful lot of time helping with
- 10 the hay, didn't you?
- 11 A. Yes, I did.
- 12 Q. Over all those years, didn't you?
- 13 A. Yes.
- 14 Q. And it was a dirty job, especially putting in the
- 15 barn, wasn't it?
- 16 A. Yes, it was.
- 17 Q. And you resented that?
- 18 A. Very hard work.
- 19 Q. Did you also say, though, you appreciated the
- 20 exercise?
- 21 A. Yes, I have.
- 22 Q. Did you at times, in fact, even say that on the
- 23 weekends you wouldn't mind putting up some hay for
- 24 exercise?
- 25 A. I am sure over probably the beginning I said that,

Buccella - Cross

1 yes.

2 Q. Towards the end though, it was pretty tough work,
3 huh?

4 A. Yes, it was always tough.

5 Q. Sometimes you wouldn't get to the farm until 11:00,
6 11:30, true?

7 A. That's true.

8 Q. Sometimes you leave 2:00 or 3:00?

9 A. Sometimes.

10 Q. And sometimes there were people who come and visit
11 you out at the farm who'd have to visit you. Would that be
12 a fair statement?

13 A. A few times over the years.

14 Q. Okay.

15 So if somebody would have said, for example, that it
16 happened a lot of times, that would not be an incorrect
17 statement, would it?

18 MR. SMITH: Objection.

19 THE COURT: Can you just disregard that
20 question? Thank you.

21 MR. TRAFICANT: Forget that one, George.

22 BY MR. TRAFICANT:

23 Q. Did we have any specific forms in our office that
24 dealt with sick leave or vacation time that you know of?

25 A. I never seen one.

Buccella - Cross

1 Q. Did you have to sign in or sign out?

2 A. No.

3 Q. Did anyone in the office ever mistreat you?

4 A. I had words once.

5 Q. Pardon?

6 A. I had words with one staff person, if that's what
7 you're talking about.

8 Q. Who was that person?

9 A. Chuck O'Nesti.

10 Q. Is there a time you lost your race for a trustee?

11 A. Yes.

12 Q. Did you ask anybody to help you in that race?

13 A. I'm sure I did. I don't recall who.

14 Q. Was there any political figures that you asked to
15 help you in that race?

16 A. I don't believe so. I'm not sure. I just don't
17 remember. I have to go back and look because I -- I think
18 that was 1985.

19 Q. After that period of time, did you come to lose while
20 you were a member of my staff a trustee's race?

21 A. Yes.

22 Q. Whom, if anybody, did you contact to help you reclaim
23 your seat?

24 A. I believe at one time I talked with you about getting
25 a letter from you, recommendation letter that we put

Buccella - Cross

1 together.

2 Q. Did I do that for you?

3 A. Yes, you did.

4 Q. Did you circulate that letter?

5 A. Yes, I did.

6 Q. On your pizza business with the school systems, did I
7 have anything to do with that?

8 A. Getting the contract?

9 Q. Yeah.

10 A. No, sir.

11 Q. Sometimes these were school lunches, weren't they?

12 A. That's what they sold the pizza for, school lunch,
13 yes.

14 Q. And it would require you, at times, since you were
15 basically there most of the time, to spend up to maybe
16 11:00, sometimes 11:30, wouldn't it?

17 A. Yes.

18 Q. Was there ever a complaint made by me, specifically
19 to you, about your time showing up at the office ever?

20 A. Yes.

21 Q. When?

22 A. I don't recall when it was, but I got -- you called
23 me on the carpet once, if that's the right word, about
24 getting in late.

25 Q. Was it relative to you getting in late, or was it

Buccella - Cross

1 relative to my knowing where you were? Could you recall?

2 A. I don't recall exactly what it was about.

3 Q. Okay.

4 But everybody else in the office knew that you would
5 be coming in late because of the pizza business, correct?

6 A. Yes.

7 Q. Did there come a time when you had a piece of
8 property that was subject to being taken from you?

9 A. Yes.

10 Q. By legal action?

11 A. Yes.

12 Q. Whom did you ask for help?

13 A. You.

14 Q. To the best of your knowledge, did I try to help you?

15 A. I believe they made a phone call, somebody on staff
16 made a phone call, but nothing ever became of it.

17 Q. It was a legal matter, wasn't it?

18 A. Yes.

19 Q. And basically you felt you got the shaft, is that
20 about it?

21 A. I think they had a job to do, and they had to do
22 their job, and that was the circumstances I was put in.

23 Q. You know who the person was that ended up with your
24 property?

25 A. Yes, I do.

Buccella - Cross

1 Q. Who was it?

2 A. Jim Sabatine.

3 Q. You know if he has any --

4 A. And Frank Amedia --

5 Q. Pardon?

6 THE COURT: Don't interrupt his answer. We
7 can't record two people at once. Now, get it straight
8 because there's no reason for you to hurry here. Ask the
9 question, and let the witness answer, please. Let's go
10 back, and we'll read the question.

11 MR. TRAFICANT: I thought he had completed
12 his answer, your Honor.

13 THE COURT: Listen to him. He's in the
14 middle of a sentence when you're interrupting.

15 MR. TRAFICANT: I'm sorry. I apologize.

16 THE COURT: Go back, and start with the
17 earliest part of the question

18 (Thereupon, the record was read back by the Court
19 Reporter.)

20 THE WITNESS: Yes, Jim Sabatine and Frank
21 Amedia.

22 Q. When was it the Government first questioned you about
23 me, George?

24 A. I'm going to guess it's about a year and a half
25 maybe.

Buccella - Cross

1 Q. Did they bring up the name Sabatine or Amedia?

2 A. No, sir.

3 Q. Did they make it clear to you I was the target of
4 their investigation?

5 A. I don't remember the exact words. I think it was
6 just said they were doing the investigation on Traficant.

7 Q. Did they have a tape recorder there by the way? Did
8 you notice a tape recorder?

9 A. I didn't notice that.

10 Q. Pardon?

11 A. I didn't notice that, no.

12 Q. Would you know if you were being recorded or not?

13 A. If the recorder was visible that I could see it.

14 Q. Were you ever asked to wear a body device on me?

15 A. No.

16 Q. If you would have called me on the phone and asked to
17 meet with me at any time, would I have met with you,
18 George, in your opinion?

19 MR. SMITH: Objection.

20 THE COURT: He can answer.

21 THE WITNESS: Yes.

22 Q. I would have met you anywhere, wouldn't I?

23 A. Yes.

24 THE COURT: He just testified.

25 Q. You know what the amount of hours required for a

Buccella - Cross

1 full-time worker is in the congressional office, George?

2 A. If I can remember, I am trying to recall because I
3 think shortly sometime after we first -- I first started, I
4 was given a book, and it said I think 30 hours to be
5 considered full-time. I'm not sure of that, but I think
6 that's it.

7 Q. Was there ever a week that you failed to put in 30
8 hours of congressional work, George?

9 A. I don't believe so.

10 Q. Did you work on weekends for the congressional
11 office?

12 A. Yes, I did.

13 Q. Did you work nights for the congressional office?

14 A. Yes, I have.

15 Q. Did I ask you to represent me at different events and
16 speak on my behalf?

17 A. Yes.

18 Q. Did it take time for you to get dressed, prepared,
19 get in your car, drive, do that, come back home? Did it
20 take a lot of time, George?

21 A. I don't know what a lot of time is, but it took time
22 to do that, yes.

23 Q. And you did that, didn't you?

24 A. Yes, I did.

25 Q. You did that well, George.

Buccella - Cross

1 Basically, there were -- would you -- it would be
2 your opinion that there were some staff I would use for
3 public activities and some staff I would not?

4 A. Yes.

5 Q. And was it your opinion that was my decision to make,
6 what I thought the was best interest of my reelection or
7 constituent service?

8 A. I would think so, yes.

9 Q. Now, this business at the farm, you were not forced
10 to go to the farm; is that correct?

11 A. No, I wasn't.

12 Q. But did you feel because I was your boss? If you
13 didn't go, it might cause you a problem?

14 A. I never really gave that a thought.

15 Q. You really didn't see me as a vindictive person
16 trying to hurt you or anybody, did you, George?

17 A. I didn't feel that way, no.

18 Q. Now, was there occasion when a contract with the
19 Buccis became a matter in Weatherford?

20 A. Yes.

21 Q. Were there times we had meetings at the farm that had
22 nothing to do with farm work?

23 A. Yes.

24 Q. How many times would you say that occurred?

25 A. Never kept track of that.

Buccella - Cross

1 Q. But were there times when the Congressman was at the
2 farm he wouldn't be in the office and wanted to meet with
3 certain people and would ask those people to meet him at
4 the farm? Is that a fair question?

5 A. Yes.

6 Q. And were there many times when I asked you to meet me
7 at the farm under those circumstances?

8 A. Yes.

9 Q. Was there any other elected official on my staff?

10 A. Not to my knowledge.

11 Q. What were some of the things that I wanted you to do
12 as an elected official?

13 A. If I recall, the words were something like be a
14 liaison between Government officials.

15 Q. Did you do that?

16 A. The best I could.

17 Q. Did it well.

18 Now, in the Bucci matter, didn't they ask for a
19 meeting, and did we, in fact, not meet with them and
20 because I was working at the farm, was --

21 THE COURT: We, Congressman, put the question
22 to him that you want the answer to.

23 MR. TRAFICANT: Okay.

24 Q. Did at some point the Buccis ask for a meeting, to
25 the best of your knowledge?

Buccella - Cross

1 A. In regards to this contract that they had?

2 Q. In regards to some problem in Weatherford?

3 A. Yes.

4 Q. And did you get a call from the Congressman
5 explaining that?

6 A. Yes.

7 Q. And did I set up a meeting?

8 A. I had a conversation with you, and you might have met
9 with them.

10 Q. Do you recall a meeting out at the farm with you and
11 the two Buccis brothers?

12 A. I remember one Buccis brother being there with me.

13 Q. Okay.

14 And do you recall the tenor of that meeting?

15 A. He got a little upset with me.

16 Q. But -- in your own words, what did you tell him?

17 A. I'm not going to use those words here, but I
18 basically told him to go to -- that I didn't -- whatever he
19 made a comment about at that time was a lie.

20 Q. Did the Congressman support the Buccis?

21 A. Stepped between us.

22 Q. Did he make any comment to the Buccis?

23 A. Leave it go, something to that -- I don't remember
24 the exact words, but it was something to basically drop it,
25 and let it go.

Buccella - Cross

1 Q. Did the Congressman have anything else to do with the
2 Bucci matter in Weatherford Township?

3 MR. SMITH: Objection.

4 THE WITNESS: One --

5 MR. TRAFICANT: Was that an objection or not?
6 I thought we were supposed to stand here.

7 MR. SMITH: I did stand. I did object.

8 THE COURT: Okay. Well, it passed me by.

9 You can continue. You can go ahead, Congressman.

10 MR. TRAFICANT: Okay.

11 Q. You said there was a phone call, George?

12 A. Yes.

13 Q. And who made that phone call?

14 A. You did.

15 Q. And what was the substance of it, do you remember?

16 A. The call that I'm referring to was in regards to
17 their contract that they had with Weatherford, and I
18 basically wouldn't sign the check because I didn't feel
19 that they did the job completely, and you had asked me or
20 said to me try to do what you can to pay them their money
21 because they were a good company. That's as close I can
22 remember of whether you used that word.

23 Q. Was there a certain amount of the contract paid in
24 advance?

25 A. No, sir.

Buccella - Cross

1 Q. Was it a 90-10 type of deal?

2 A. It was supposed to be, but when they cut the check,
3 the check was cut for the full amount, and they came back
4 in the spring and completed the job.

5 Q. Okay. And you said I said they were a good company,
6 go ahead and pay them?

7 A. Try to give them their money.

8 Q. Try to give them their money?

9 A. Yes, sir.

10 Q. Did we come later on to have reservations about the
11 Bucci's, George?

12 A. Would you repeat that?

13 Q. Did we come later on to have reservations about the
14 Buccis and their behavior?

15 A. I don't recall what the discussion was about them
16 after this contract was done.

17 Q. Not that you recall?

18 Do you consider that conversation I had with you to
19 be an illegal act or wrongdoing?

20 MR. SMITH: Objection.

21 THE COURT: Sustained.

22 Q. Was it a common practice I would intervene on behalf,
23 George, of companies in our area who were having trouble?

24 A. Yes, sir.

25 Q. What was one of the main concerns of our office as

Buccella - Cross

1 far as our constituency was concerned?

2 A. Someone had problems, try to help them.

3 Q. We also have priority of jobs?

4 A. Yes, sir.

5 Q. Was the Bucci company a local company?

6 A. Yes, sir.

7 Q. Now, from your experience in working, was there a lot
8 of contracts being awarded to -- out of city or out of area
9 contractors doing blacktop and asphalt work?

10 A. In my dealings, I don't recall a lot of contracts
11 being given out outside the area companies.

12 Q. That was in Weatherford?

13 A. Yes.

14 Q. Weatherford more or less hired local?

15 A. Most of the time they would, yes.

16 Q. Were the Buccis low bidders?

17 A. On the project they got, yes.

18 Q. Could you estimate from the time of -- what they now
19 refer to as that fatal Monday how many jobs were lost in
20 our Valley?

21 A. I really don't have any idea. It was a whole bunch.

22 Q. Would you say over 60,000, George?

23 A. I can't answer that. I don't know.

24 Q. Now, you said I never paid you for any work you did
25 at the farm?

Buccella - Cross

- 1 A. Not that I recall, no.
- 2 Q. Did you ever ask me to pay you for anything?
- 3 A. No, sir.
- 4 Q. Did I take you to eat, George? Did I provide you
- 5 food?
- 6 A. Yes.
- 7 Q. If you wanted to borrow a piece of my equipment, was
- 8 it available to you?
- 9 A. I'm sure if I would have asked, I probably would have
- 10 gotten it, but there wasn't a lot of equipment that I could
- 11 use.
- 12 Q. One of the things you did is -- well, let me say
- 13 this: When it came to making hay, what was one of the
- 14 tractors you drove you recall the most, and for what
- 15 purpose?
- 16 A. I don't recall which one I drove the most. I didn't
- 17 keep track of that. I -- I can't really tell you.
- 18 Q. Let me ask this way: Before you bale the hay, what
- 19 must you do to the hay?
- 20 A. Tent it.
- 21 Q. Then you have to do what with it? You have to put --
- 22 A. Rake it.
- 23 Q. You rake it?
- 24 A. Um-hum, yes.
- 25 Q. What would I ask you to do relative to hay mostly?

Buccella - Cross

1 A. I believe, if I recall, it was mostly baling it once
2 we stacked it in the trailer and put it in the barn and the
3 other was to rake it.

4 Q. Rake it.

5 And what is important about raking, just to make a
6 point here?

7 A. Try to put it in as straight a line as you can.

8 Q. Because you're always worried about getting rained
9 on or ruined, right?

10 A. Yes.

11 Q. Now, for example, if it's not ready and it's still
12 damp at 11:00 in the morning, and let's say the dew is to
13 appear at 6:00 in the morning, you had a seven-hour window
14 to make hay, wouldn't you?

15 A. Yes.

16 Q. Now, if I did the baling, had to rake the hay, how
17 long would it take to rake that hay?

18 A. Depends how much was there.

19 Q. Could be two or three hours, couldn't it?

20 A. Could.

21 Q. It's possible, though, that the hay was ready to be
22 made, and if someone raked it, I would be able to move the
23 baler on it early, wouldn't I?

24 A. Yes.

25 Q. And I could almost follow the raking, couldn't I?

Buccella - Cross

- 1 A. Yes.
- 2 Q. Is that what you did, George?
- 3 A. Quite a bit, yes.
- 4 Q. Were you good at it?
- 5 A. I guess I was fair.
- 6 Q. Well, it's good you keep it in line because -- so you
- 7 didn't have to take the baler when it wasn't baling, wasn't
- 8 it?
- 9 A. Was that a question?
- 10 Q. Yeah.
- 11 A. Yes.
- 12 Q. So it's important to try to put those together, and
- 13 sometimes you even do what with them?
- 14 A. Make sure they were straight so when you bale, you
- 15 could follow a straight line.
- 16 Q. And sometimes double them, would you say, double them
- 17 up?
- 18 A. Yes.
- 19 Q. So it would go what?
- 20 A. Faster.
- 21 Q. Why?
- 22 A. Make the process quicker.
- 23 Q. Did you know I had problems with the IRS, George?
- 24 A. Yes, sir.
- 25 Q. Did you ever advise me to maybe slow down a little

Buccella - Cross

1 bit about the IRS?

2 A. I believe I have, yes. I'm not sure what exact
3 words, but I believe I did.

4 Q. Do you ever recall brushing any horses?

5 A. I didn't do that. I might have done it once or twice
6 over the years, but I don't recall doing it a lot, but I've
7 done it a few times.

8 Q. You ever clean any stalls, George, or asked to clean
9 any stalls?

10 A. If I cleaned any stalls, it was because I did it on
11 my own. I didn't do very many.

12 Q. Do you know the difference between a stallion and a
13 gelding, George?

14 A. No, sir. I can guess.

15 Q. How many horses were at the farm, by the way, when
16 you were there?

17 A. I don't have any idea, number-wise, maybe 40
18 sometimes, maybe 50 sometimes, and maybe 30 sometimes. It
19 varied.

20 Q. Would you say there were more than seven horses
21 there?

22 A. Yes, sir.

23 Q. You have a pretty good relationship with Sandy out at
24 the farm?

25 A. I think we were friends.

Buccella - Cross

1 Q. You have any knowledge of any of the work I might
2 have done to the farm myself?

3 A. Some.

4 Q. So would you say that some of the construction down
5 at the farm was done by me personally?

6 A. Yes.

7 Q. For example, do you know who built the deck?

8 A. The entire deck, I have no idea who else worked on
9 it. I know I did some, and you did some.

10 Q. But you recall me building the deck, right?

11 A. Some of it, yes.

12 Q. Now, being you said I had a lot of telephone poles
13 out at the farm; is that correct?

14 A. I didn't say that.

15 Q. You said we used telephone poles to build a little
16 arena?

17 A. A ring.

18 Q. You ever see any other telephone poles?

19 A. Yes.

20 Q. Did you have idea what the telephone poles were for?

21 A. No, sir.

22 Q. Did you ever ask?

23 A. No, sir.

24 Q. Were there gas wells on the farm?

25 A. Yes, sir.

Buccella - Redirect/Smith

1 Q. Did they cut through rough roads?

2 A. Yes, sir.

3 Q. To service them?

4 A. Yes. To the best of my knowledge, I'm sure.

5 Q. George, one last question: Did you do anything wrong
6 when you were under my employ?

7 A. I don't believe so.

8 Q. Did you see me do anything wrong while you were under
9 my employ?

10 A. No.

11 MR. TRAFICANT: No further questions.

12 THE COURT: Mr. Smith.

13 MR. SMITH: Yes, your Honor? Oh, okay.

14 REDIRECT EXAMINATION OF GEORGE BUCCELLA

15 BY MR. SMITH :

16 Q. Mr. Buccella, you were asked about a co-farm worker
17 who lived out of state. You remember questions and answers
18 along that line?

19 A. Yes, sir.

20 Q. I can't hear you, sir.

21 A. Yes, sir.

22 Q. How far is Congressman Traficant's farm from the
23 Pennsylvania state border, roughly?

24 A. 25, 30 miles, I don't have any idea.

25 Q. You were asked a number of questions about baling

Buccella - Redirect/Smith

- 1 hay; is that right?
- 2 A. Yes, sir.
- 3 Q. Baling hay the only manual labor you did out at the
- 4 farm?
- 5 A. No. I raked hay, I tented hay. I stacked the hay in
- 6 the wagon. I put hay up in the barn.
- 7 Q. Carpentry work?
- 8 A. Yes.
- 9 Q. Work inside barns, other types of work?
- 10 A. Yes.
- 11 Q. Did the Congressman have to be there for you to do
- 12 those other types of work?
- 13 A. No, sir.
- 14 Q. Did you do those other types of work during business
- 15 hours?
- 16 A. Yes, sir.
- 17 Q. Were there established business hours at the
- 18 Youngstown District Office?
- 19 A. 8:30 to 4:30.
- 20 Q. And at the Niles office?
- 21 A. 8:30 to 4:30.
- 22 Q. Many times you spent all or part of the hours working
- 23 out at the farm; is that correct?
- 24 A. Yes, sir.
- 25 Q. Were you doing any constituent service work while you

Buccella - Redirect/Smith

1 were baling hay?

2 A. No, sir.

3 Q. Or when you were doing the carpentry work?

4 A. No, sir.

5 Q. Or any of the other work that you were doing out at
6 the farm, doing constituent service while you were doing
7 those things?

8 A. No.

9 Q. You testified on cross-examination that the
10 Congressman did not force you to go out to the farm,
11 correct?

12 A. Yes, I did.

13 Q. Were you on good terms with the Congressman while
14 working for him?

15 A. To the best of my knowledge.

16 Q. Was it necessary for him to force you to go to the
17 farm to get to you comply?

18 A. I don't think so.

19 Q. You made -- a request was made, and you complied. Is
20 that basically the way it went?

21 A. Yes.

22 Q. He was your boss?

23 A. Yes.

24 Q. How many times had you gone out to Congressman
25 Traficant's farm since you went to Trumbull County Health

Buccella - Recross

1 Department to work?

2 A. None.

3 Q. Are all the times that you went to work out of
4 Congressman Traficant's farm during the time period you
5 were on the congressional payroll?

6 A. Yes, sir.

7 MR. SMITH: One moment, your Honor.

8 No further questions, your Honor.

9 THE COURT: Thank you. Congressman.

10 RE CROSS-EXAMINATION OF GEORGE BUCCELLA

11 BY MR. TRAFICANT:

12 Q. George, out of the questions you just had, it made it
13 look like because I was your boss you weren't going to
14 complain about anything I asked. Would that be a true
15 statement?

16 A. As long as it pertained to doing my job.

17 Q. Yeah. But going to the farm didn't pertain to your
18 job.

19 A. I didn't complain about that, no, not to you.

20 Q. No.

21 But you said you were not forced to go to the farm.

22 A. I was never given an ultimatum.

23 Q. If you had said "go to hell," would you think you'd
24 have a problem?

25 MR. SMITH: Objection. It's counterfactual.

Buccella - Recross

1 THE COURT: There's no -- there's no evidence
2 with regard to that. So just ask him.

3 Q. Did you ever tell me I don't want to go to the farm?

4 A. I think over the years was a few times maybe I had
5 work to do at the office that I needed to get done. It was
6 something that I was committed to do, and I told you I
7 couldn't go.

8 Q. What, if anything, happened?

9 A. Nothing. I went to the office and did what I had to
10 do.

11 Q. So you didn't go to the farm?

12 A. No, I didn't.

13 Q. Now, on days you went to the farm and you went home,
14 did you also do some congressional work after that?

15 A. Sometimes.

16 Q. Did you do speaking engagements after that?

17 A. Sometimes.

18 Q. Did you go over with the Congressman directly from
19 the farm to speaking engagements on some occasions?

20 A. Yes, I have.

21 Q. Did we, in fact, not go to your house and get changed
22 and go to those events?

23 A. Yes, I have.

24 Q. Did not I attend with you events that were important
25 to your elected position?

Buccella - Recross

1 A. Yes, I have.

2 Q. Did I not, in fact, help you campaign?

3 A. Yes, you did.

4 Q. But, did we do congressional work after the times you
5 were at the farm doing work?

6 A. Yes, I have.

7 Q. On many occasions?

8 A. Quite a few.

9 Q. Now, when I called somebody about a local company,
10 would I say help this company, they're a bad company? You
11 think I'd say that?

12 MR. SMITH: Objection. Scope. I'm sorry.

13 THE COURT: He can answer this question.

14 THE WITNESS: No, sir.

15 Q. You mean -- okay. Let me get this right. I want the
16 jury to hear this. I'm --

17 THE COURT: Congressman, Congressman, cool
18 it. Okay. Ask your questions. This is not a closing
19 argument. Ask your questions.

20 MR. TRAFICANT: But he said scope.

21 THE COURT: That's right, and I --

22 MR. TRAFICANT: I don't know if he's talking
23 about mouth wash or what we're doing here, your Honor.

24 THE COURT: That's delightful. Now, let's go
25 forward.

Marcone - Direct/Morford

1 MR. TRAFICANT: Ask my question?

2 BY MR. TRAFICANT:

3 Q. George, in your relationship with me and my office
4 and my constituent work and advocacy for companies, to the
5 best of your knowledge, would I call anyone and tell them I
6 want you to reconsider a bid or reconsider consideration
7 for my company because they're a bad company?

8 A. No, I don't think you would.

9 Q. You have any knowledge that I ever planned to sue the
10 Buccis?

11 A. No, sir.

12 MR. TRAFICANT: No further questions.

13 MR. SMITH: Nothing, your Honor.

14 THE COURT: Thank you, sir. You're excused.
15 You can step down.

16 THE COURT: Come right up, sir.

17 PAUL MARCONE

18 of lawful age, a witness called by the GOVERNMENT,

19 being first duly sworn, was examined

20 and testified as follows:

21 DIRECT EXAMINATION OF PAUL MARCONE

22 BY MR. MORFORD:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Could you please state your name, and spell your last

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1 name for the Court Reporter?

2 A. Paul Marcone, M-A-R-C-O-N-E.

3 Q. And, Mr. Marcone, do you know the Congressman, James
4 Traficant?

5 A. Very well.

6 Q. And how did you first come to know Congressman
7 Traficant?

8 A. I interviewed for a job in his office. He was a
9 Congressman elect in November of 1984; went down,
10 interviewed with him, and got a job as press secretary and
11 legislative assistant, began working for him in January of
12 1985.

13 Q. And for approximately how many years total did you
14 work for the Congressman?

15 A. About 11 years, 1985 to '89, and I came back in
16 January of '93, and worked from January of '93 to November
17 of 2000.

18 Q. Okay. If you could, why don't you break up those
19 periods of times, starting in January of 1995. Tell us how
20 you -- what you started, what position you started at, what
21 your duties were.

22 A. You mean January of '85.

23 Q. Yes. I'm sorry, January of '85 and take us through
24 the progression of different titles, different titles.

25 A. From January of 1985 until January of '87, I was his

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1 legislative assistant and press secretary. In that
2 capacity, I handled legislative issues for the Congressman,
3 like crime, environmental issues, advised him on those
4 issues, responding to constituents, draft legislation
5 related to those issues and served as press secretary. And
6 in that capacity, I would draft press releases, weekly
7 columns, arrange media interviews, and served as the
8 Congressman's chief spokesperson. I did that until January
9 of '87.

10 At that point, I received a promotion and became his
11 legislative director and press secretary. As legislative
12 director, I would coordinate all of his legislative
13 activities and work with the other two legislative
14 assistants in formulating the Congressman's legislative
15 agenda and advising on all legislative issues.

16 In June of '87, I became the chief of staff of his
17 Washington office and also retained my position as press
18 secretary. And from June of '87 until March of '89, I
19 served in that capacity as chief of staff of his Washington
20 office. I basically ran the Washington office and
21 supervised the staff there. Staff was anywhere from five
22 to seven people, including interns, and I was the
23 Congressman's chief advisor and was responsible for
24 implementing legislative agenda and dealt with all
25 political issues. Anything related to the Washington

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1 office, I handled and from March of '89 to July of 1990.

2 I served as director of communications for the
3 National Law Enforcement Officers Memorial, and from August
4 of 1990 to January of '93, I worked in the New York City
5 mayor's office and returned to work for the Congressman
6 from January of '93 until October of '93, and I served as
7 special assistant to the Congressman.

8 He was the chairman of the public building
9 subcommittee, and I served as his special assistant from
10 that -- through January of '93 until October of '93 and
11 then October of '93, I resumed my position as chief of
12 staff of his Washington office and press secretary. I did
13 that until I left his office in December of 2000.

14 Q. What is the primary function of a Congressman,
15 primary most important function?

16 A. Legislate.

17 Q. And this position that you described, that after you
18 started out as a legislative assistant, you got promoted to
19 legislative director, how important, significant a position
20 is that in a congressional office?

21 A. Every congressional office is different, but in most
22 offices, the legislative director is next to the chief of
23 staff and probably the second most important position in
24 the Washington office because you are directing the
25 Congressman to legislative agenda, some members of Congress

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1 introduce 15, 20 pieces of legislation a year. Other
2 members don't introduce any. Mr. Traficant --

3 Q. If I can interrupt. I don't want to have you testify
4 about any legislative actions.

5 MR. TRAFICANT: Object.

6 THE COURT: Overruled. He asked a question,
7 and we don't get a narrative answer. We get an answer to
8 the question, please.

9 BY MR. MORFORD:

10 Q. How would you describe your relationship with
11 Congressman Traficant over the years that you worked for
12 him?

13 A. It was very good, very close relationship, he treated
14 me very well. And he was a mentor in a lot of ways. When
15 he first came to Congress, I was a freshman, very young.
16 We both were learning the legislative process together. It
17 was a great experience, and he treated me very, very well.

18 Q. Aside from the way you look at him professionally,
19 how about personally?

20 A. How did I view him personally?

21 Q. Yes.

22 A. I liked him very much. He's good company, fun to be
23 with, he had a good heart. He treated me and my family
24 very well.

25 Q. In light of the close relationship that you had with

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1 him over a period of many years, how difficult is it for
2 you to testify here in this trial today?

3 A. It's probably one of the most difficult things I've
4 ever had to do professionally.

5 Q. In what way is it difficult?

6 A. Well, someone you admire and care about a lot is
7 facing this type of problem. Then you're -- you have to be
8 involved in it. It's very hard to see.

9 Q. How did your first contact with the Government
10 Prosecution and the investigators come about in this case?
11 Did you come to them, or did they come to you?

12 A. Actually, it was the House counsel came to me and
13 said that I'd been subpoenaed to testify before the Grand
14 Jury.

15 Q. So you didn't reach out to the Government, correct?

16 A. No.

17 Q. Now, have you been promised anything in return for
18 your testimony here today?

19 A. No.

20 Q. Has anybody from the Government ever threatened you
21 or tried to intimidate you in any way?

22 A. No.

23 Q. Do you stand to gain anything through your testimony
24 here today?

25 A. No.

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1 Q. I'd like to start off and ask you some questions
2 about your position and duties, and we'll start during the
3 first two years when you were a legislative assistant and
4 press secretary. Okay?

5 A. Um-hum.

6 Q. What were your duties as a press secretary? What
7 does that entail?

8 A. I drafted press releases for the Congressman. I
9 drafted a weekly column, I drafted the Congressman's
10 highlights of his speeches and served as the Congressman's
11 chief spokesperson. Also at that time, the Congressman
12 would do a newsletter that we would send out several times
13 a year, and I would edit that newsletter and put that
14 together.

15 Q. Now, when you say you served as the Congressman's
16 chief spokesperson, can you explain what you mean by that?

17 A. As a member of Congress, he gave many inquiries from
18 the press, and I would be the person who would deal with
19 the media. If need be, I'd arranged interviews between
20 reporters and the Congressman that I would serve as the
21 Congressman's spokesperson to the media. I would respond
22 to media requests for information.

23 Q. On occasions where you would receive calls from the
24 media asking you questions about the Congressman's response
25 to different things, what, if anything, would you do since

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1 you could give them an accurate and truthful answer?

2 A. If I knew the Congressman's position or issue, I'd
3 simply ask him for his question. If it was a detailed
4 question, sometimes I would consult with the Congressman
5 and ask him how he wanted to respond. I would respond
6 accordingly.

7 Q. How careful were you to make sure your responses to
8 the media were truthful and accurate responses of the
9 Congressman?

10 A. It's very important for a press secretary to maintain
11 credibility with the press so I always tried to give them
12 an accurate answer.

13 Q. I believe at one point when you were talking about
14 legislative assistant you mentioned constituent services;
15 is that correct?

16 A. In responding to a letters from constituents.

17 Q. Okay. What is -- to what extent did your work
18 involve assisting constituents in matters?

19 A. At first, my first two years there, it wasn't that
20 extensive. There were -- it was on a project, project
21 basis, but a lot of the work that the Washington staff did
22 was helping either companies or individuals in the district
23 who were having problems related to the federal government,
24 and that's typical of most congressional offices.

25 Q. Now, was Congressman the kind of boss who wanted to

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1 know all the details about everything, like manager type or
2 more a delegator?

3 A. More a delegator; gave us a lot more time, and he
4 encouraged us to come up with ideas, and one of the main
5 things about working for him, he was very eager to
6 implement your ideas if you had an idea for a piece of
7 legislation. He certainly would consider it if he thought
8 it was a good idea but not a micro manager.

9 Q. Now, after you were promoted to the position of chief
10 of staff, what were your duties as chief of staff?

11 A. I was responsible for managing the office budget,
12 supervising people in the Washington office, and
13 supervising all activities in the Washington office.

14 Q. And whether you say supervising the activities, what
15 all did that entail?

16 A. Most of it was legislative. The legislative
17 activities, the various legislative assistants were
18 involved in, for example, making sure in any given week
19 that the Congressman was fully briefed and fully prepared
20 to handle whatever legislation Congress was going to be
21 involved in that week, making sure we went to the committee
22 that he had speaking points; if he was going to offer
23 evidence, that the evidence was prepared making sure that
24 when the Congressman was going to offer in evidence, that
25 he was fully briefed but also managing the office budget,

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1 making sure we weren't going to overspend our budget,
2 handling requests for raises or bonuses, those types of
3 personnel issues, dealing -- if someone needed to take sick
4 leave, those types of issues.

5 Q. Who actually determined the rate of pay that each of
6 the staff members received?

7 A. The Congressman.

8 Q. And who determined the number of employees who would
9 work at the office in any given time?

10 A. That was predetermined. Members of Congress are
11 allowed to have 18 full-time employees and four part-time
12 employees. It's up to the member chairman to have those
13 employees between the Washington and the district offices.

14 Q. And what you're telling us, do you get a lump sum of
15 money?

16 A. Prior to 1995, it was not a lump sum. There were two
17 categories. You had a clerk hire allowance, which dealt
18 with your payroll, and then you had a representational
19 allowance that dealt with anything other than payroll.
20 Your office and equipment, those types of items.

21 Q. Okay. As to the clerk hire allowance, was that a
22 lump sum?

23 A. It was a lump sum that the member could give you
24 however he saw fit as long as you didn't exceed the maximum
25 salary for a staff person, which is based on a formula

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1 percentage of whatever member of Congress' salary is. I
2 think the staff would make up to 95 percent of that.

3 Q. Were there any checks and balances to determine
4 whether if a Congressman had decided to pay a particular
5 employee \$70,000, to make sure he was doing \$70,000 worth
6 of work?

7 A. At that time, there was no legal requirement. For
8 example, to have staff fill out time sheets, there were --
9 there are no requirements. It's simply every month the
10 member signs a form that delineates where the people's
11 salaries were, and that's -- that form is the member
12 certifying those staff people perform the necessary work
13 hours.

14 Q. Apart from the member signing and saying this guy did
15 \$70,000 worth of work, is there anything to check or
16 confirm that?

17 A. No. There's no auditing, no checks and balances
18 because of the separation of powers. The constitution
19 leaves it up to the Congress to police itself and make sure
20 that it follows various rules and regulations.

21 Q. Were there any rules and regulations that restricted
22 what a Congressman could assign congressionally paid staff
23 employees to do?

24 A. Yes. There's a House Ethics manual, ethics rules,
25 and basically full-time employees have to work at least 30

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1 hours a week in one of the Congressman's offices, either
2 the Washington office or one of his district offices or in
3 the congressional or legislative related business.

4 Q. Were there any restrictions as to certain activities
5 that congressionally paid staff members were not allowed to
6 do for the Congressman?

7 A. If you were paid over a certain amount, not clear
8 what the threshold is, but if you were paid over a certain
9 amount, you could not engage in the practice of law, for
10 example. You could not have outside employment and get
11 paid for it. You were paid under a certain matter, if it
12 was over -- as long as you were working at least 30 hours a
13 week, if you were full-time employee and there wasn't any
14 conflict of interest in what you were doing outside at that
15 time.

16 Q. Were employees allowed to do personal services for
17 the Congressman?

18 A. No. Unless they were paid fair market value, no.
19 But the ethics manuals frowns upon that practice.

20 Q. Just frown upon it or say you're not allowed to do
21 that?

22 A. Not allowed to do that on office time.

23 Q. Was there any restriction on whether congressionally
24 paid staff members were allowed to rent office space to
25 their boss?

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1 A. That was private. We had rules on that. I also
2 believe the federal statute prohibits that as well.

3 Q. I'd like to ask you some questions regarding the
4 position of administrative assistant in the office of
5 Congressman Traficant. Okay? Did your office have a
6 position called administrative assistant?

7 A. Yes, we did.

8 Q. Who held that title in your office?

9 A. Henry DiBlasio.

10 Q. And when did Henry DiBlasio first become Congressman
11 Traficant's administrative assistant?

12 A. January of '85, when the Congressman assumed office.

13 Q. And how long a period of time did Henry DiBlasio hold
14 that title administrative assistant?

15 A. My understanding, again, I left the office in '89 and
16 came back in '93, but he held that position continuously
17 until he retired, I believe, in '98.

18 Q. Is that title administrative assistant sort of a term
19 of art in Congress?

20 A. Excuse me?

21 Q. Is that title administrative assistant sort of a term
22 of art in Congress?

23 A. Term of art?

24 Q. Yes.

25 A. The title administrative assistant and chief of staff

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1 are interchangeable. An administrative assistant would be
2 in the private sector is different than it would be in the
3 member's office. In most offices, the person who holds the
4 title chief of staff could also be called administrative
5 assistant. The two titles are interchangeable.

6 Q. Usually, the position you held is either called chief
7 of staff or administrative assistant?

8 A. That's correct.

9 Q. What then does an administrative assistant usually do
10 in a congressional office? What are his duties and
11 responsibilities?

12 A. Again, every member's office was different, but
13 typically, the administrative assistant would be the
14 Congressman's Number one adviser but also be responsible
15 for managing the entire office operation.

16 Q. To your knowledge, did Henry DiBlasio have any
17 experience whatsoever in running a congressional office
18 prior to being Congressman Traficant's administrative
19 assistant?

20 A. I don't know what his experience was prior to '85. I
21 will say that it's typical for members of Congress to hire
22 as their top aides people they know and trust. Unlike the
23 business world, when you're working for a politician,
24 trustworthiness and loyalty are two very important factors,
25 and it's not unusual for a member of Congress to hire

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1 someone as their administrative assistant who has no prior
2 experience in that role.

3 Q. Is it unusual for a member to have an administrative
4 assistant who stays back with an office in the district?

5 A. There are many offices that have AA's in the
6 district, but they also occasionally travel to Washington,
7 but it's not unusual.

8 Q. How usual is it for an office to have an
9 administrative assistant, who's a full-time practicing
10 lawyer at the same time he's the administrative assistant?

11 A. Having never looked at the other 434 offices, I don't
12 know.

13 Q. Have you ever heard of that before?

14 A. I never heard of it before, but I never inquired as
15 to whether or not that was a standard practice or whether
16 or not other offices were doing that.

17 Q. In addition to Henry DiBlasio being the
18 administrative assistant back at the Youngstown office, was
19 there another position called the district director?

20 A. Yes.

21 Q. What were the duties of the district director as you
22 understood them?

23 A. District director directly handled the day-to-day
24 operations of the district offices, mainly handling case
25 work. Members of Congress routinely asked to intervene for

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1 constituents having problems with the social security
2 office. If they're having problems with Veteran's
3 Administration, problem getting their Medicare benefits,
4 there's a tremendous workload that members of Congress have
5 to handle. The district director would handle those, those
6 types of issues, manage the case of staff workers.

7 Also the district director would serve as the
8 Congressman's liaison to the local community, oftentimes
9 representing the Congressman in local meetings and
10 interface with local politicians and local citizens groups.

11 Q. And who filled all those responsibilities that you
12 just described in the Youngstown District Offices?

13 A. I would say my first four years there, Henry DiBlasio
14 did a lot of that work with the assistance through -- I
15 can't recollect -- Jackie Bobby and Chuck O'Nesti. When I
16 came back in '93, Chuck had taken on the bulk of those
17 duties.

18 Q. And at that time, then, what was Henry DiBlasio
19 doing?

20 A. I got the impression that Henry was out there in the
21 community doing work representing the Congressman at
22 meetings, providing strategic advice to the Congressman. I
23 say that because I would routinely get notes from Henry
24 faxed to me saying I was at a meeting last night. Could
25 you please call councilman so-and-so or this person needs

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1 some advice, and apply for a federal grant. Could you call
2 them, and I would get phone calls from local officials
3 saying I was at a meeting last night with Henry, and he
4 recommend that I call you.

5 So I got the impression that Henry was out there
6 representing the Congressman at meetings and in various
7 capacities. And also when the Congressman was in the
8 district itself, I'd get a lot of phone calls from the
9 Congressman, Henry -- like in conference calls with Henry
10 on the other line, I got the impression he's spending time
11 with Henry when he was in the district.

12 Q. So you're telling us you got the impression that he
13 was spending time with the Congressman, and he was going to
14 meetings, correct?

15 A. Going to meetings, providing advice to the
16 Congressman, and representing the Congressman in his
17 capacity as an administrative assistant, yes.

18 Q. Who was actually running the district offices in the
19 normal sense of administrative assistant at that time?

20 A. Again, I was in Washington from '93 until the time I
21 left. I had only gone to the district once so I was not
22 there to actually see what was happening, but my impression
23 was that Chuck O'Nesti was handling the day-to-day
24 operations of the office, and I was on the phone with Chuck
25 usually twice a day, sometimes more.

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1 Q. So you were on the phone with Chuck O'Nesti twice a
2 day, sometimes more dealing with what kind of matters?

3 A. Chuck was asking for -- it was mostly constituent
4 service matters, or Chuck was asking for -- Chuck would be
5 asking for information on legislation that maybe the mayor
6 was asking for. It was all work related, and Chuck worked
7 extremely hard.

8 Q. So you're talking to Chuck once or twice a day. How
9 often are you talking to Henry?

10 A. About once a week, sometimes more, sometimes less.

11 Q. On paper, who did you and Chuck O'Nesti report to and
12 hire in the office?

13 A. In my mind, I reported directly to the Congressman.

14 Q. Now, in your mind, on paper, who were you supposed to
15 report to technically?

16 A. We never had a full structure of the office but
17 probably Henry.

18 Q. Did you ever report to Henry, as your supervisor
19 from --

20 A. My first four years I certainly did, yes.

21 Q. From the time you returned in 1993 until the time you
22 left in 2000, was Henry really serving as your boss?

23 A. No. The Congressman was my boss, and I think the
24 Congressman even told me several times you report directly
25 to me.

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1 Q. How did this setup of having a chief of staff to run
2 the Washington office, a district director Chuck O'Nesti
3 running the district offices, and an administrative
4 assistant affect your budget?

5 A. It made our budget very tight. That was one of my
6 responsibilities, was making sure that we didn't go over
7 budget. You never want to go over budget because if you go
8 over budget, sometimes a member of Congress has to pay for
9 that out of his own pocket, so obviously, we didn't want
10 that to happen.

11 It put some strain on the budget, but we were able to
12 make our budget every year and usually were able to give
13 fairly generous bonuses to everyone in November and
14 December. Congressional employees get paid once a month,
15 so if you wanted to get Christmas bonuses, we typically
16 would do -- would temporarily raise everyone's salary,
17 month of November and December, so they would get either a
18 thousand dollars or \$1500, sometimes a \$2000 bonus for
19 Christmas, and we also were able to give the COLA to
20 everyone in January. Some people got slightly more than
21 that raise, based on performance, but it was very, very
22 tight.

23 Q. When you returned in 1993, how were your Washington,
24 legislative staff members being paid relative to the
25 legislative staff members of other Washington offices?

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1 A. Based upon what number the congressional management
2 foundation, by and large, the folks in the Washington, D.C.
3 were paid below the norm.

4 Q. Okay. Now, having said that, your overall
5 congressional salary for all employees?

6 A. Right.

7 Q. District and Washington, how did that rank compared
8 to other offices?

9 A. We were probably the top 10 percent.

10 Q. And what did you see as the single highest primary
11 cause of you having legislative staff that were being paid
12 less than other offices but one of the highest salaried
13 offices in Congress?

14 A. They were -- there were two reasons in my mind. One
15 was we had extremely low turnover. Most congressional
16 offices go through almost complete turnover every two
17 years, some offices every year. We had people on staff who
18 had been with the Congressman since he'd been in office in
19 '85, so we're talking about the time frame '93. We had
20 many people on staff who had been with him for the full
21 eight years.

22 So that caused us every year they would get COLA, so
23 our salaries would -- overall salaries would go out to
24 people in the district in particular, very little turnover
25 in the district offices, and the fact that we had the

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1 district director and administrative assistant very well
2 paid certainly caused an increase in our salary overall,
3 what we were paying overall in salaries.

4 Q. Were there many employees at that time making more
5 than \$40,000?

6 A. No.

7 Q. A year? Of the three highest paid employees, who
8 were those employees?

9 A. In '93?

10 Q. During that period '93 to '98, up until the time when
11 Mr. O'Nesti and Mr. DiBlasio were there?

12 A. The three highest paid were myself, Mr. DiBlasio, and
13 Mr. O'Nesti.

14 Q. And ball park, how much higher are we talking the
15 three of you versus the rest of the office?

16 A. Between \$30 and \$40,000.

17 Q. More, correct?

18 A. Yes.

19 Q. Did you ever do the math to figure out what would
20 happen if you subtracted either the administrative
21 assistant or the district director?

22 A. If we did that, we would be -- we would have been
23 medium, 50 percentile. We were right in the middle with
24 what congressional officers have in salaries.

25 Q. Going back to my original question, what was in your

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1 mind the single greatest factor that was putting you in the
2 highest salary figure in Congress?

3 A. The fact that we had three extremely high paid people
4 when most offices would have two.

5 Q. In your opinion, as the chief of staff of the
6 Washington office, could you function just as well with
7 just a district director and a chief of staff and not have
8 that third, quote, administrative assistant position?

9 A. I can't answer that question because I was never in
10 the district enough to get an ideal handle how the District
11 Office functioned.

12 Q. Let me ask you this: Have you ever had people from
13 the district complain to you about either of those two
14 other positions and whether or not the people holding those
15 positions were carrying their weight in the office?

16 A. I would get occasional grumblings from staff about
17 Henry's salary, yes.

18 Q. Who were the four most respected employees in the
19 District Office?

20 A. Respected by who?

21 Q. By Congressman.

22 A. I would say --

23 MR. TRAFICANT: Objection.

24 THE COURT: Sustained.

25 Q. Congressman Traficant ever tell you who he respected

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1 most?

2 A. He never used those words "I respect these people the
3 most," no.

4 Q. Who were the four highest ranking people in the
5 office based on your dealings with the District Office as
6 chief of staff?

7 A. Henry, Chuck, Grace, and Jackie.

8 Q. Henry DiBlasio?

9 A. Henry DiBlasio, Chuck O'Nesti, Jackie Bobby, and
10 Grace Yavorsky. I always told my staff from Washington if
11 any of those four called and needed anything, they needed
12 to respond to them, that they were in front lines. They
13 were dealing with constituents, and that if they needed
14 something, we needed to put everything else aside and try
15 to respond as quickly as possible to any requests we got
16 from those four individuals.

17 Q. Of those four key individuals, setting aside Mr.
18 DiBlasio because the question will be about him, how many
19 of those other three key individuals complained to you
20 about work being done or not being done by Mr. DiBlasio?

21 A. At one time or another, Chuck, Jackie, and Grace all
22 grumbled about Henry.

23 I always viewed that as them being jealous of Henry
24 because he had a job that they wanted. He had access to
25 the Congressman. He was probably the only person in the

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1 district that the Congressman listened to.

2 Q. How did you view all that if you just said you didn't
3 spend much time in the District Office, and that you were
4 really involved in the Washington? What did you base that
5 on?

6 A. I based that on the fact that during the time I
7 worked for the Congressman, there were certain times I
8 wanted the Congressman -- I thought it would be politically
9 advantageous to take a certain position on an issue or
10 co-sponsor a bill, and I couldn't get through to him, and
11 he wasn't listening, being stubborn.

12 And I would call Henry and ask Henry's help. Henry
13 said I'll talk to the Congressman, and usually that was
14 very effective, whereas I wouldn't get that same type of
15 help from Chuck. But I got the impression that the
16 Congressman respected Henry's opinion more than he
17 respected anyone else's in the district.

18 Q. That's not my question; my question is this: You
19 have three what you described as three or four key players
20 in the Youngstown office calling you as chief of staff,
21 complaining that Henry's not doing enough work. What was
22 it that led you to assume, gee, they must be jealous of
23 Henry. That's why they're saying this?

24 MR. TRAFICANT: Objection. Asked and
25 answered.

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1 THE COURT: It was asked. You can ask it,
2 and you can answer it now.

3 THE WITNESS: Well, first of all, they never
4 called me with the sole purpose of complaining about Henry.
5 It was just in the course of conversation. Whatever, may
6 grumble, Henry's up there making all this money. He's
7 telling us what to do, and sometimes they would -- they
8 would poke in fun or be upset at a memo Henry would send
9 out. Henry sometimes would deal with the staff through
10 memos, and they would complain about that.

11 And in the thrust of it, we're doing all this work,
12 and he's making double and triple what we're make.

13 Q. Do you know a staffer named Dan Blair?

14 A. Yes.

15 Q. Who is Dan Blair?

16 A. Dan is director for the Congressman. He became
17 legislative director under me when I was chief of staff in
18 '93, and he'd been with the Congressman now since 1987.

19 Q. Did you ever share concerns with Dan Blair that you,
20 yourself, had about Henry DiBlasio and whether he was
21 working enough for the money he was being paid?

22 A. Um-hum. Well, we've had -- we had some discussions
23 about that over the years, yes.

24 Q. Tell the jury about those discussions.

25 A. My concern was that I knew that Henry was a

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1 practicing lawyer. My main concern was that at some point
2 someone might look at what he was billing his clients, and
3 if he was billing his clients 40 or 50 hours a week and he
4 was supposed to be working at least 30 hours a week for the
5 Congressman, that that would raise a red flag. And he --
6 he was making a lot of money compared to everyone else on
7 the staff, and it was just an area of concern that he was
8 putting in full 30 hours.

9 Q. Was it the same time you had these concerns that you
10 were getting calls from Grace and Chuck and Jackie Bobby
11 that people actually in the district?

12 A. Right.

13 Q. Telling you that they don't feel he's doing enough
14 work for his money?

15 A. The complaints I had about Henry were very isolated.
16 It wasn't continual complaints. So I don't know if my
17 conversations with Dan were around the same time frame of
18 getting complaints. I just view the complaints from
19 Jackie, Chuck, and Grace as simply people grumbling about
20 their boss.

21 Q. Well, did you ever take those complaints seriously
22 enough to talk to the Congressman about it?

23 A. I mentioned them several times to the Congressman,
24 and the response I got was, Henry works very hard. He
25 works unusual hours. He's doing a very good job, and you

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1 worry about the Washington office, and I'll worry about the
2 District Office.

3 And it became clear that my job was to run the
4 Washington office, and I had no reason to question the
5 Congressman's integrity when it came to those types of
6 issues. If he told me Henry was working hard and doing a
7 good job, I had no reason to question that.

8 Q. Well, you had no way to know whether that was true or
9 not, correct?

10 A. That's right. I wasn't Henry's supervisor. I wasn't
11 there in Youngstown. I had no way of knowing what kind of
12 hours he was putting in.

13 Q. And all you know is that three employees in
14 Youngstown are telling you he's not doing much, correct?

15 A. They never came right out and said it. They just
16 grumbled Henry's telling me what to do and making all this
17 money, and I don't know what he does up there.

18 Q. What caused you, as the chief of staff of the
19 Washington office, to butt into a district issue and bring
20 it to the Congressman's attention in the first place?

21 A. It was -- I was also press secretary. It was my job
22 to look out for the Congressman's issues.

23 Q. And his reaction when you did try to look out for his
24 interest and raise this issue was what?

25 A. He said you worry about the Washington office, and

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1 I'll worry about the District Office, and he also
2 emphasized that Henry works very hard, doing a good job.

3 Q. And so you took him at his word?

4 A. Yes, I did.

5 THE COURT: We're going to need a break. And
6 this might be a good time.

7 MR. MORFORD: I was going to say I'm going to
8 into a new area. Would you like to break?

9 THE COURT: We'll take the afternoon break.
10 It'll be a half hour long, and then we'll reconvene.

11 (Thereupon, a recess was taken.)

12 THE COURT: You're still under oath, sir.

13 THE WITNESS: Yes, your Honor

14 BY MR. MORFORD:

15 Q. I'd like to move to a new area and ask you some
16 questions about the Youngstown field offices moved from the
17 building 11 Overhill Road to the federal courthouse in
18 downtown Youngstown. Okay? Do you recall that move?

19 A. Yes, I do.

20 Q. And where was the Youngstown field office located
21 prior to the time you moved?

22 A. I believe it was at 11 Overhill.

23 Q. Okay. Do you know how far that is approximately from
24 the Youngstown courthouse?

25 A. My understanding was about three or four miles.

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1 Q. Now, why did the office move to the courthouse?

2 A. When the -- that original courthouse was built, one
3 of the understandings we have with GSA is that we would
4 move our District Office into the new courthouse.

5 Q. Okay. And was that your original understanding, that
6 you would move your entire Mahoning County District Office
7 or just a portion of it?

8 A. My understanding was the entire office.

9 Q. Were you ever to the new courthouse facility in the
10 congressional offices that are inside the new courthouse?

11 A. I didn't understand.

12 Q. Have you ever been to the --

13 A. No.

14 Q. No, you have not?

15 A. I was at the Overhill Road office once in 1986.

16 Q. Did there come a time when the original plan to move
17 the entire Mahoning County office to the Federal Courthouse
18 changed?

19 A. Yes.

20 Q. And how did it change?

21 A. Right on the eve of the move, I believe I got a note
22 from Henry DiBlasio indicating that the Congressman wanted
23 to retain a small presence in Overhill Road.

24 Q. What did that term mean, a small presence?

25 A. Retain the Congressman's office there and I believe a

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1 small office downstairs.

2 Q. For whom?

3 A. Bob Barlow for Henry.

4 Q. Who's Bob Barlow?

5 A. He was the Congressman's liaison to the labor
6 community.

7 Q. Was he a full-time employee or part-time employee?

8 A. At the time, I believe he was a part-time employee.

9 Q. And to your knowledge, did he have any position apart
10 from and outside of his staff position with the office of
11 Congressman Traficant?

12 A. I was not aware of any. I don't know.

13 Q. To your knowledge, did he have any affiliation with
14 the United Auto Workers' Union?

15 A. I don't know what affiliations he had.

16 Q. Do you know what his qualification was to serve as
17 labor liaison?

18 A. No.

19 Q. I'd like to -- set some exhibits here for a moment,
20 and I'd ask you to take a look at the first exhibit in
21 front of you, which is Government's Exhibit 1-14. Do you
22 recognize that document?

23 A. Yes.

24 Q. And can you tell me what that document is?

25 A. It's a memo to me from Henry indicating that the

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1 Congressman wants to maintain a presence at the Overhill
2 Road office after we move to the new courthouse building in
3 downtown Youngstown.

4 Q. Okay. So this is a congressional memorandum?

5 A. It's a memorandum from Henry to me, yes.

6 Q. Okay. And what's the date?

7 A. December 7, 1993.

8 MR. MORFORD: Your Honor, at this time I'd
9 like to ask if I can put that on the overhead.

10 THE COURT: Fine.

11 Q. I'd like to ask you if you would go ahead and read
12 the body of this memorandum?

13 A. "As you may know, we are moving most of the
14 Congressional office to the Federal Building downtown
15 Youngstown as of January 4, 1994. Jim has requested that
16 he maintain his office here and that we also maintain an
17 Administrative office. The rent, at an absolute minimum,
18 amounts to \$875 per month.

19 "Jackie informs me that the new rent in the Federal
20 Building will amount to \$27,840 per year, Eastwood Mall is
21 costing \$6,000 per year, and East Liverpool is \$720 per
22 year. Is there enough money to pay the rent at Overhill
23 Road, amounting to \$10,500, plus a factor for utilities and
24 for cleaning? The space that the Congressman wants amount
25 to approximately one-half of the space in the lower part of

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1 the building.

2 "Since the congressional office was paying one-half
3 of the cleaning and utilities, we can probably decrease
4 this somewhat.

5 "Please advise so we will know what to do. If there
6 is a serious question about whether or not there are
7 sufficient funds, we may have to make some changes."

8 Q. Why is the administrative assistant having to write
9 you, the chief of the -- chief of staff of the Washington
10 office to find out whether or not there's enough money to
11 pay for this extra office?

12 A. Because I handled -- I was responsible for all the
13 office for Henry.

14 Q. So you're in charge of the entire budget, district
15 and Washington?

16 A. In terms of keeping watch of the funds, yes, making
17 sure -- the main responsibility here was to every month I'd
18 sit down with the office manager and look at our expenses
19 and make sure we don't go over the limit at the end of the
20 year. That was my main concern. And that was the main
21 function there.

22 Q. Was that your main function as chief of staff?

23 A. No.

24 Q. What was your main function as chief of staff?

25 A. In that office, it was to administer the

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1 Congressman's legislative agenda.

2 Q. Anyone ever tell you why you were being saddled with
3 this additional responsibility when you had both the
4 district director and administrative assistant back in
5 Youngstown that could have done these things?

6 A. I didn't question it because the people you had to
7 deal with at the House finance office, it would be
8 difficult for them to deal with them since they were in
9 Ohio, and I was in Washington. It was nothing unusual
10 about the person running the Washington office to deal with
11 the House finance office.

12 Q. Is that why the administrative agent or
13 administrative assistant would normally be in Washington?

14 A. Yes.

15 Q. Now, says Jim, he requested he maintain his office
16 here, and that we also maintain an administrative office.
17 What did you understand the administrative office was going
18 to -- would constitute the administrative office?

19 A. I really didn't understand what that term meant. I
20 would think that would mean, at least, having one staff
21 person there to handle people coming off the streets.

22 Q. Well, that guy --

23 A. Also, to assist the Congressman as well. If he was,
24 the Congressman, was going to have his office there, makes
25 sense to have at least one staff person there to handle the

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1 Congressman's paperwork.

2 Q. Well, but you said the one guy was going to stay
3 behind was a part-time labor liaison, right?

4 A. I believe at the time he was going to be. I'm not
5 sure; may have been other people who might have been there
6 who I had working there at the time.

7 Q. Wouldn't it have made more sense to keep his personal
8 secretary Grace Yavorsky in the same office as the
9 Congressman?

10 A. Yeah, but it wasn't my role to question how the
11 Congressman set up his District Office. He had to be
12 comfortable with whatever setup he had, and that was at his
13 discretion, not mine, and it wasn't my place to question
14 these matters or decisions back at the district.

15 Q. When Henry DiBlasio says, is there enough money to
16 pay rent at Overhill --

17 A. Right.

18 Q. -- amounting to \$10,5 plus a factor for utility and
19 cleaning --

20 A. Right.

21 Q. -- what did that do to your budget, having a -- says
22 \$27,840 a year rent to the Federal Building, plus \$6,000 a
23 year for the East Mall office, plus \$720 a year for East
24 Liverpool, now additional \$10,500, plus utilities and
25 cleaning, what was that going to do to your budget?

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1 A. It meant that obviously the rent in the new building
2 was much higher than what we were paying at Overhill Road.
3 So our budget was going to be stressed, whether we retain
4 the presence of Overhill Road or not. Our budget was going
5 to be stressed because of the increase in rent in the new
6 courthouse.

7 The rent at Eastwood Mall, East Liverpool was
8 minimum. Eastwood Mall, that rent was going to be there.
9 We had to have a presence in Columbiana County, and
10 Columbiana put extra stress on the budget, that combined
11 with the fact that the amount of money that the Congress
12 was going to be giving members in '94 was proposing to cut
13 that money back or freeze it.

14 Normally, you got an increase every year, one you
15 could spend. There was talk they were going to freeze it.
16 That further would have complicated our ability to keep our
17 budget within -- keep it in the black by the end of the
18 year.

19 Q. Can you think of any reason other than Henry DiBlasio
20 wanting to keep congressional offices at his own law office
21 building, why you would pay \$27,000 for one office and
22 another \$10,000 for an office that's less than five miles
23 away?

24 A. I didn't -- I didn't see the justification for it.

25 Q. Could you see any justification for having the

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1 administrative staff in one building and the administrative
2 assistant in an entirely separate building?

3 A. Again, I didn't see any justification for having two
4 separate offices in Youngstown. I expressed that both to
5 Henry and the Congressman.

6 Q. Next, I'd like to you to take a look at what's been
7 marked as Government's Exhibit 1-15. Do you recognize that
8 document?

9 A. Um-hum.

10 Q. And what is this document?

11 A. It's a memo I sent to Henry the same day he sent me
12 this memo.

13 Q. Okay.

14 MR. MORFORD: Your Honor, may I put this on
15 the overhead as well?

16 THE COURT: Yes.

17 BY MR. MORFORD:

18 Q. Okay. Now you said you sent this the same day; is
19 that correct?

20 A. Yes.

21 Q. How strongly did you feel about this issue?

22 A. I felt -- my concern was two-fold: First, I had --
23 it's my responsibility to be steward of the office budget.
24 I was concerned that we would run out of money at the end
25 of the year, and it's a scenario you -- it's a move you

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1 don't want to be in.

2 So I didn't want to be in a position where we had to
3 cut people's salary or lay people off at the end of year to
4 make a budget. So that was my concern this had caused;
5 maintaining a presence on Overhill Road would stress our
6 budget to the point where we wouldn't have any flexibility,
7 we wouldn't be able to give bonuses. And as press
8 secretary, I was looking out for the Congressman's
9 interests. I was worried that a reporter would ask a
10 question why do you have two offices inside Youngstown;
11 it's a waste of taxpayer money.

12 Q. Did you have any good answer to that question?

13 A. I would have had to try to finesse it, but, no, I
14 didn't have a good legitimate answer in my view at that
15 time -- at the time I wrote this memo.

16 Q. Could you read the body of the memo, please?

17 A. Sure.

18 "In response to your memorandum regarding the move of
19 the Youngstown office to the new Federal Building, I have
20 closely reviewed our expense budget for 1994 and have found
21 the following:

22 "Because of cutbacks made by Congress, every
23 congressional office will experience a reduction in their
24 expense accounts in 1994. If we move the Youngstown office
25 entirely into the new Federal Building and do not maintain

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1 any presence at the 11 Overhill Road office, our expense
2 account would be extremely strained. The additional cost
3 for rent for the new office space, new furniture, new phone
4 system, the move itself, and new stationery will amount to
5 anywhere from \$30,000 to \$35,000 in additional costs. The
6 final amount depends upon what types of bids we get for
7 certain services. Out of an estimated total expense
8 account of \$160,000."

9 Q. Excuse me. If you could read a drop slower. The
10 reporter is trying to take down what you're saying. I'm
11 sorry.

12 A. "Maintaining a presence in the 11 Overhill Road
13 office will further exacerbate this problem. Given the
14 fact that the Congressman wants to maintain this presence,
15 we will have to find a way to cut as many costs as possible
16 to fund this additional expense.

17 "According to the House Finance Office, depending
18 upon what our final costs are for phone service and
19 furniture, we will more than likely have to transfer funds
20 from our Clerk Hire account to cover the anticipated
21 shortfall in our expense account. That means the
22 Congressman would be severely limited in backfilling
23 positions and giving raises.

24 "As such, we are not in a position to add any further
25 to the costs of the move to the new Federal Building. We

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1 simply do not have the available funds to pay for such
2 amounts as assigned parking slots.

3 "Any assistance you could render in convincing the
4 Congressman to not maintain a presence at 11 Overhill Road
5 would be deeply appreciated. It will be extremely
6 difficult for me to justify to the press and the public the
7 additional expenditures in taxpayer funds to have two
8 district offices within five miles of one another.
9 According to the House Finance Office, such an arrangement
10 is highly irregular. My concern is that this could be used
11 against Jim in future political campaigns and could pose a
12 potential ethics problem.

13 "Please call me if you have any questions or
14 suggestions on how we can address the problems I have
15 outlined in this memorandum. Thank you."

16 Q. Did you get a response to this memorandum from Henry
17 DiBlasio?

18 A. I got a response two days later.

19 Q. Okay. Turning to Government's Exhibit 1-16, do you
20 recognize that document?

21 A. Yeah.

22 Q. And do you recognize the handwriting on that
23 document?

24 A. Yeah, that's Henry's handwriting.

25 Q. And is this the response you said that you received?

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1 A. Yes.

2 MR. MORFORD: Your Honor, may I display this?

3 THE COURT: Yes.

4 THE WITNESS: This is a little confusing says
5 12-9-98, but -- I believe it is -- the time frame was 1993.

6 Q. If you look up at the top, there's a fax header on
7 that. Do you see that?

8 A. Yeah.

9 Q. And what does the fax header say?

10 A. December 9th, '93.

11 Q. So maybe the handwritten date is?

12 A. Is wrong.

13 Q. Okay.

14 Would you go ahead and read the body of this memo.

15 A. Yes.

16 "I received your memo. Discussed it with Jim. He
17 feels a small presence is absolutely required in Boardman.
18 He insists that congressional office be manned by one staff
19 person plus me. I guess I will be going back and forth
20 between Federal Building and here. Expenses will be kept
21 at a minimum. Rent will be decided later on. I guess move
22 will not be until 1994. Hope this answers some of your
23 concerns. Call me if any questions. I will be in
24 California for the holidays but will not be leaving until
25 the end of next week. My best regards to all. Have a

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1 great holiday season. Henry D."

2 Q. Despite all the concerns you raised, what was the
3 decision that was reached regarding what to do with the
4 space at 11 Overhill Road?

5 A. Maintain a presence there.

6 Q. Now, in addition to communicating about this with
7 Henry DiBlasio, did you also discuss the matter with
8 Congressman Traficant directly?

9 A. Yes, I did.

10 Q. And where did Congressman Traficant tell you he
11 wanted his office to be?

12 A. He didn't say exactly where he wanted his office to
13 be. He said basically my understanding -- my recollection
14 of the conversation is that, "Paul, you're not from
15 Youngstown. You don't understand how difficult it is for
16 people to get downtown. The Overhill Road office is
17 convenient for people there. We need to have a presence in
18 both places. You're not understanding the geography. It's
19 important we maintain a presence there."

20 Q. To your knowledge, was Congressman Traficant someone
21 who had pushed GSA to build the federal courthouse in
22 downtown Youngstown in the first place?

23 A. It would not have been built if it had not been for
24 his hard work and efforts, yes.

25 Q. All the people that have to go to that court, where

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1 do they have to go, Boardman or downtown Youngstown?

2 A. Downtown Youngstown.

3 Q. Now, where did he tell you he wanted Henry DiBlasio's
4 District Office to be?

5 A. I don't think we ever discussed where he wanted
6 Henry's office to be. I think -- let me just complete the
7 answer. The tenor of the discussion was more why we needed
8 to retain a presence at Overhill Road and how I'd explain
9 that to reporters if the question ever came up. And the
10 Congressman said he needed to have space in both buildings
11 to provide options to constituents. It's easier to get to
12 Overhill Road. Not being from Youngstown, I had no way of
13 knowing whether that was true or not. And again, I had no
14 reason to question the Congressman's judgment when it came
15 to issues related to his own district and his own -- and
16 how best he can serve his own constituents.

17 Q. Well, who were the people that serviced constituent
18 matters in the Youngstown District Office, as you
19 understood it?

20 A. Case workers.

21 Q. And who were they?

22 A. Jackie and Grace.

23 Q. And where were they going to be?

24 A. At the courthouse.

25 Q. So when the people show up in Boardman at 11 Overhill

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1 Road to talk about constituent matters, what do they do?

2 A. The Congressman made it clear to me he wanted to
3 maintain a presence at Overhill Road.

4 Q. I understand that, but --

5 A. I didn't pursue it because you just learn not to
6 argue with him over stuff like that, and I didn't have any
7 reason to question his judgment when it came to the
8 district.

9 Q. But, he he's saying he wants it there so it's easier
10 for constituents to come in and deal with this constituent
11 service staff. My question to you is was the constituent
12 service staff being moved to downtown Youngstown?

13 A. No, my understanding was it would be at least one
14 person at Overhill Road.

15 Q. But, you said Bob Barlow was part-time?

16 A. I recall the discussion was at that point whether he
17 was definitely going to be -- I don't remember who it was,
18 either Barlow or someone else on the staff.

19 Q. Who did it end up being in reality?

20 A. I believe it was Barlow.

21 Q. Was one single constituent service staff member kept
22 at that office?

23 A. Well, Barlow did do constituent service related to
24 labor issues.

25 Q. But, of the people who did the majority of the work?

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1 A. Right, you're right. They were all going to be in
2 the courthouse.

3 Q. Did you ask him whether Henry was going to have an
4 office in the new courthouse as the administrative
5 assistant with the rest of the administrative staff?

6 A. I don't think I ever had a discussion with him of how
7 the plan would be in the new courthouse, no.

8 Q. Henry DiBlasio didn't do constituent service matters,
9 did he, on a regular basis?

10 A. Not helping old ladies with their social security
11 checks, no.

12 Q. And they're the people he's worried about having to
13 go to downtown Youngstown, right?

14 A. I -- you have to ask the Congressman. I don't know
15 what his exact concerns were.

16 Q. How -- how would it have affected Henry DiBlasio's
17 law practice if he had actually had to have gone and put in
18 his congressional hours at the federal courthouse with the
19 rest of the congressional staff?

20 MR. TRAFICANT: Objection, speculation.

21 THE COURT: Sustained.

22 Q. I'm going to go back to Exhibit 1-16 one more moment.
23 There's a sentence here where it says -- you see this, "I
24 guess I will have to be going back and forth between the
25 Federal Building and here," meaning 11 Overhill Road?

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1 A. Um-hum.

2 Q. To your knowledge, did Henry DiBlasio ever go back
3 and forth?

4 A. I don't know.

5 Q. To your knowledge, was he ever in the courthouse?

6 A. I wasn't a supervisor. I don't know if he did or
7 not.

8 Q. Were you ever told by any of the other staff members
9 whether Henry was ever in the federal courthouse
10 congressional office?

11 A. I recall references being made to the fact he was
12 never there by Mr. O'Nesti, Jackie and Grace.

13 Q. Let me ask you just some general questions about the
14 ownership of the building where they were going to maintain
15 a presence.

16 What is your understanding of who owned the building
17 at 11 Overhill Road when Congressman Traficant was first
18 elected to Congress in 1985?

19 A. My understanding now is that when he was first
20 elected, Henry owned the building.

21 Q. And were you ever asked back in 1985 to send the
22 information to Henry DiBlasio because of that ownership?

23 A. Was I ever asked to send any information to him?

24 Q. Yes.

25 A. In '85? No, that wouldn't have been my

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1 responsibility at that time not in 1985, no.

2 Q. Were you ever asked to fax anything to Henry DiBlasio
3 at any time about whether or not he could own that building
4 and rent space to Congressman Traficant?

5 A. I don't know if I was asked to do it. I remember
6 faxing Henry at some point -- I don't recall the exact time
7 frame -- I believe it was in the early 90's or when I came
8 back to the office, I faxed him the relevant sections of
9 the ethics manual. I don't recall if those were sections
10 that dealt with the amount of hours that full-time
11 employees had to work. And also there was a section in the
12 manual that dealt with the practice of law by congressional
13 staff, and there is also a section in there about renting
14 office space back to members, prohibitions on that. I just
15 don't recall what the time frame was. I don't specifically
16 recall what the circumstances were. I do know that the
17 Ethics Committee did come out with updates to staff and
18 memorandums they would send all congressional offices, and
19 I would also fax those to Henry and everyone in the
20 district.

21 Q. Did there ever come a time when you questioned Henry
22 DiBlasio and Congressman Traficant about the ownership of
23 that building?

24 A. I recall having, maybe more than once, conversations
25 with him where I raised the issue and I don't know if I

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1 raised it with Henry or the Congressman. I know I raised
2 it with the Congressman. I don't know if I ever raised it
3 with Henry. And I was always told Henry does not own the
4 building anymore, he divested ownership, and he does not
5 have an interest in the building. And so I let it --
6 again, I let that rest.

7 Q. So you took the Congressman's word that Henry
8 divested himself of any ownership interest in the building?

9 A. That's my recollection, yes.

10 Q. What was it that caused you to raise the issue with
11 Congressman Traficant in the first place?

12 A. I had some of these conversations go back eight or
13 nine years. It probably was questions that either former
14 staff members had raised with me or either Mr. O'Nesti or
15 Ms. Bobby or Ms. Yavorsky, intimations they made that Henry
16 still owns that building, statements to that effect that
17 caused me to raise the issue with the Congressman.

18 Q. And when did Henry DiBlasio actually retire?

19 A. I believe the end of 1998.

20 Q. I'd like to ask questions about a man named Allen
21 Sinclair.

22 A. Um-hum.

23 Q. Does that name ring a bell, Allen Sinclair?

24 A. Yes, it does.

25 Q. Did there come a time you learned that Congressman

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1 Traficant wanted to hire Allen Sinclair onto his
2 congressional staff?

3 A. Yes.

4 Q. And tell us how you learned of that.

5 A. It's about the time that Henry informed me he was
6 going to retire at the end of the year. It was November,
7 and I believe -- I don't recall the first time I heard he
8 was going to hire Allen. I believe the Congressman was
9 thinking of hiring Allen. And then in -- I remember a
10 conference call I had of my own. I believe it was
11 Veteran's Day in '98, and the Congressman was on the line,
12 as was Allen. And the Congressman said I want -- he wanted
13 to hire Allen, and he knew that Allen was a practicing
14 attorney, and I remember telling him Allen -- I said,
15 "Allen, you understand that if we sign you on as a
16 full-time employee, that you have to work at least 30 hours
17 a week in one of the Congressman's offices, that means in
18 either his Washington office, his office in downtown
19 Youngstown, Trumbull office, his East Liverpool office, or
20 the office at Overhill Road, not from your law office
21 downstairs in that office, or you have to be out in the
22 district on congressional-related matters, and it has to be
23 at least 30 hours a week?" And both Allen and the
24 Congressman said that's not going to be a problem, no,
25 that's not going to be a problem at all.

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1 Q. Let's back up then.

2 How did you know Allen Sinclair was a lawyer?

3 A. I was told that he was Henry's law partner.

4 Q. Okay. And where was his office located?

5 A. At 11 Overhill Road.

6 Q. Why were you so adamant in telling him that he would
7 actually have to perform congressional duties either at the
8 courthouse or Niles or in the congressional office space,
9 not in his law office at 11 Overhill Road?

10 A. Because I wanted to make sure he was aware of what
11 the ethics rules were and what was required of him because
12 he had never worked for a member of Congress before.

13 Q. Did those same ethics rules not apply to Henry
14 DiBlasio?

15 A. Of course they applied to Henry.

16 Q. Did you ever tell Henry DiBlasio when he was
17 performing his congressional duties, he needed to do so
18 outside of his own law office at the 11 Overhill building,
19 at the congressional office space?

20 A. I was not Henry's supervisor. It was not my place to
21 tell him how to perform his job.

22 Q. Why did you --

23 A. I never had any reason to question Henry's integrity.

24 Q. Why did you have reason to question Allen Sinclair's?

25 A. I wasn't questioning his integrity. My concern was

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1 he never worked for a member of Congress before. He
2 probably never worked for the federal government before. I
3 wanted to make sure he was fully aware of what the
4 requirements were. I was also upset that the Congressman
5 was hiring him at the salary he was because again, due to
6 the budget problems, and the fact that morale problems --
7 because everyone in the congressional office thought the --
8 everyone knows what everyone else makes.

9 Q. Why is that?

10 A. There are quarterly reports that the clerk of the
11 House of Representatives puts out that's -- it's a book
12 that comes out that lists what everyone makes. It's a
13 public document. It's distributed to every congressional
14 office. You probably can find it in any public library.
15 The result is that everybody in the congressional office
16 knows what everyone else is making. My concern was that
17 the salary he wanted to hire Allen at, I believe it was
18 \$60,000 a year, whether that would cause morale problems,
19 both from the district and in Washington.

20 Q. Who else in the office at that time was making
21 \$60,000 or more?

22 A. At that time, I was, Henry was, and Chuck O'Nesti.

23 Q. Okay. And after Chuck O'Nesti and Henry retired, was
24 there anybody other than you making \$60,000 or more a year?

25 A. No.

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1 Q. Now, at the time you had this conversation with Allen
2 Sinclair, and emphatically emphasized that he has to work
3 30 plus hours, and he has to do so in official
4 congressional space --

5 A. Um-hum.

6 Q. -- I want to ask you some questions about knowledge
7 and concerns you had at the time you raised those. Okay?

8 At the time you raised those concerns with Allen
9 Sinclair, had you received the complaints you talked about
10 earlier about Henry DiBlasio by that time?

11 A. Oh, yes. The complaints about Henry making all that
12 money and not doing enough work?

13 Q. Yes.

14 A. Yes, I was aware of those complaints.

15 Q. Had you received complaints that Henry spent time --
16 time in his law office and not in congressional space?

17 A. The complaints I had about Henry were vague in
18 nature. They weren't specific allegations or complaints
19 against him. It was more about Henry's not pulling his
20 weight, he makes all this money, I know what he does.
21 Those were the nature of the complaints I got about Henry,
22 and it wasn't a common occurrence that I got those
23 complaints, but I was aware of them.

24 Q. And you said --

25 A. They were in the back of my mind.

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1 Q. You said earlier you had your own personal concerns
2 regarding Henry DiBlasio, correct?

3 A. That's correct.

4 Q. To what extent were these complaints in the back of
5 your mind that you would receive about Henry and your own
6 personal concerns about the situation with Henry a factor
7 whether you emphatically emphasized to both Allen and
8 Congressman Traficant in this conversation about how it was
9 going to have to work with Allen Sinclair?

10 A. That was a factor. The other factor was the
11 Congressman wanted to put Allen on payroll in the middle of
12 November of '98, the same time Henry was on payroll. Henry
13 was on the payroll until the end of '98. Again that puts a
14 further strain on our budget, and I didn't understand why
15 he needed to have both of them on payroll at the same time.
16 It would have made more sense to put him on the payroll
17 January 1st after Henry left.

18 Q. What effect would that have on your ability to give
19 the employees their yearly bonus?

20 A. My initial -- I was told at the time didn't have
21 access to all the budget figures -- but my initial
22 impression was really -- cramped our ability. When I went
23 back home, I ran numbers. We still were able to give
24 bonuses that year. They weren't as great as we would
25 normally have given but able to give nice bonuses, but we

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1 had -- I always like to have \$15 to \$20,000, \$30,000
2 cushion at the end of the year for Congressman Traficant.
3 That money at the end of the year, if you don't spend it,
4 went back to the treasury from the PR standpoint; also,
5 members of Congress would put money back to the treasury.

6 Q. How -- does that look good?

7 A. It shows that they're being good stewards of the
8 taxpayer dollars.

9 Q. So if you hadn't hired Allen in November and
10 December, your thinking was salary paid to Allen could have
11 been given back to the taxpayers, is that what you're
12 saying?

13 A. Yeah. Or it could have been given for additional
14 bonuses for people doing the work.

15 Q. Did you raise that issue with the Congressman?

16 A. I raised it with him privately.

17 Q. Okay. And when you raised it with him privately and
18 indicated if you hold off and hired Allen in January, we
19 can either give money back to the taxpayers or give bonuses
20 to our other employees, what was his response?

21 A. He was adamant that he wanted Allen, that he needed
22 Allen to start in the middle of November because the
23 Congressman said he was working on an economic development
24 issue in the Youngstown area, and he needed Allen's help
25 immediately with the initiative.

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1 Q. He still had Henry, correct?

2 A. Correct.

3 Q. And Henry is a business lawyer; is that correct?

4 A. I don't know what kind of law Henry practiced.

5 Q. Do you know what kind of law Allen Sinclair
6 practiced?

7 A. I do know now. I didn't know at the time.

8 Q. How did you learn what kind of law he practiced?

9 A. Just through the course of -- he had an issue with an
10 advertising problem. During the course of that, of dealing
11 with the media, Allen, I learned he was a personal injury
12 lawyer.

13 Q. You didn't know he was a personal injury lawyer at
14 the time Congressman Traficant was telling you he needed
15 him on immediately to handle economic --

16 A. I think in my conversation with Allen about -- I did
17 have conversations prior to him coming on board about the
18 ethics rules of congressional staff practicing law. And
19 the rules were clear: If you made below a certain amount,
20 he was below the threshold, he could still practice law as
21 long as he didn't practice on federal issues, and he
22 assured me all his dealings were at the state level. He
23 might have said what kind of law he did at the time. So I
24 wasn't aware of what kind of law he practiced.

25 Q. Catalog, if you will, for us, the concerns that you

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1 had about Congressman Traficant's stated intention of
2 hiring Allen Sinclair to serve as staff counsel at a
3 \$60,000 a year salary.

4 A. As I stated before, the timing of the hire concerned
5 me because of our overall budget picture. I was
6 concerned -- because I was aware of the periodic complaints
7 I would get about Henry and his salary, that it would cause
8 further morale problems to have Allen come on at a higher
9 salary than anyone else other than myself on the staff. I
10 also in my mind in my conversations with the Congressman, I
11 just didn't have a clear idea what exactly he would be
12 doing.

13 Q. Did you --

14 A. And, of course, my concern is that's always been to
15 look out for the best interests of the Congressman. I was
16 concerned about reporters calling and asking questions, and
17 I wanted to make sure I had good solid substantive answers
18 to give them.

19 Q. At the same time of Chuck O'Nesti's coming on, yet,
20 two employees going off, correct, Chuck O'Nesti and Henry
21 DiBlasio, during that same year?

22 A. I don't understand the question.

23 Q. Let me rephrase it.

24 Who was retiring at or about the same time that Allen
25 Sinclair was being hired at \$60,000 a year to serve as

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1 staff counsel?

2 A. Henry.

3 Q. How about Chuck O'Nesti?

4 A. I'm not clear on the time frame. Chuck O'Nesti left
5 the staff after he pled guilty. So I know he pled guilty
6 in March. I'm not sure if it was March of '98 or March of
7 '99. I don't recall the time frame.

8 Q. Regardless whether it was '98 or '99, within at least
9 a few months of the time Allen Sinclair starts, are both
10 Henry and Chuck gone from the staff?

11 A. I'm pretty sure, yeah, yeah.

12 Q. So Henry had been the administrative assistant, and
13 Chuck had been the district director?

14 A. That's correct.

15 Q. Who was hired to fill their roles and do all the
16 duties they had done?

17 A. My understanding was that Allen would fill a lot of
18 the role that Henry filled as an advisor to the
19 Congressman, advising him on issues back home, providing
20 strategic advice, and kind of being the troubleshooter on
21 certain issues. Allen assumed some of that role.

22 Q. Is Allen --

23 A. And that Jackie and Grace would assume and divvy up
24 some of the -- and Anthony Traficanti would assume between
25 the three of them, would assume a lot of Chuck's duties.

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1 Q. Didn't Jackie and Grace quit about that same time?

2 A. No. They quit several months later.

3 Q. Who's going to -- who's going to do the duty of the
4 district director and the administrative assistant?

5 A. The Congressman -- the way he explained -- well, he
6 hired Claire Maluso so after Jackie and Grace left, Chuck's
7 job was being done by Claire Maluso and Anthony Traficanti,
8 and Betty Manente had more authority in Trumbull, and he
9 had, I believe, Betty reporting directly to the Congressman
10 after Jackie and Grace left.

11 Q. Did Congressman Traficant bring in a new district
12 director to replace Chuck O'Nesti?

13 A. He never brought in anyone that had the type of
14 authority that Chuck had.

15 Q. Did he bring in a new administrative assistant to
16 replace Henry DiBlasio?

17 A. My understanding was that Allen was going to fill a
18 lot of -- fill a lot of the role that Henry actually played
19 regardless.

20 Q. And then the duties were just divvied around the
21 remaining people?

22 A. That's correct.

23 Q. Were any of these people making the types of salaries
24 that Henry and Chuck had been making that people were going
25 to divvy up and put on their pieces of responsibility?

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1 A. My recollection was that Chuck, when he left, was
2 making either the \$70's or the \$80's, and that Anthony,
3 when he left, the Congressman made sure that I believe
4 Anthony, Betty, Claire, and Bob Barlow by that time had
5 become a full-time employee, were all making the same exact
6 salary, which is a little over the \$40's.

7 Q. If they weren't replaced, Chuck and Henry, if they
8 weren't replaced exactly with the new administrative
9 assistant and the new district director, were they even
10 needed in the first place, those positions, not the people
11 but the positions?

12 A. I -- my central management standpoint you should have
13 a district director. The Congressman decided after Chuck
14 left to divvy up his duties amongst three people. That's
15 in the business world, that's not uncommon. I didn't see
16 anything unusual in that. Chuck was a very good work
17 horse. He did a lot of work. He was older, and the people
18 replacing -- the Congressman in his judgment -- didn't have
19 the capacity to do that job.

20 The other thing is they probably wouldn't be able to
21 supervise the others. In other words, it would have been
22 difficult for Henry to start telling Betty or Claire what
23 to do or Claire to be telling Anthony what to do, and that
24 would have caused more problems than it would solve.

25 So the Congressman decided to divvy up Chuck's duties

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1 because he had no one in his mind the way he explained to
2 me to step in and have the authority to do Chuck's job. So
3 I didn't see anything wrong with the way he went about
4 that.

5 Q. Were you ever able to personally verify whether, in
6 fact, Allen Sinclair actually worked the 30-plus hours per
7 week that you told him he was going to have to work if he
8 was going to take that job?

9 A. I wasn't his supervisor. Allen reported directly to
10 the Congressman.

11 Q. With the exception of Congressman Traficant, did he
12 have any supervisor?

13 A. No.

14 Q. When Congressman Traficant was in Washington during
15 his travel day on Monday, Tuesday, Wednesday, Thursday and
16 his travel day on Friday, who supervised Allen Sinclair?

17 A. Allen Sinclair.

18 Q. During the times that Congressman Traficant's back at
19 the district, if he's out at the farm, working and doing
20 chores, who's supervising Allen Sinclair?

21 A. Allen Sinclair is, but that's -- I mean, there's a
22 level of trust we work -- there was no one supervising me,
23 either. The Congressman was gone for long stretches of
24 time. The Congressman when Congress is in session so --

25 Q. Were you in an office by yourself or did you have a

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1 staff of other people?

2 A. A staff of other people, and there was regular
3 contact with people in the district.

4 Q. Did you have a side job, full-time job and side
5 besides your position as chief of staff?

6 A. Other than being in housing, no.

7 Q. The legislative director at the time Allen Sinclair
8 was hired, what is his name?

9 A. Daniel Blair.

10 Q. How long had Blair been in the office?

11 A. I believe he started in June of 1987.

12 Q. Did you see any valid reason to give Allen Sinclair a
13 higher salary than a guy that had been with the office
14 since 1987?

15 A. To my standpoint, no, but I -- I wasn't -- I didn't
16 know Allen personally. I got the feeling the Congressman
17 did. The Congressman felt he was worth that.

18 Q. And who actually has the full right and authority to
19 make that call in the end?

20 A. A member of Congress. Members of Congress had great
21 latitude in personnel matters.

22 Q. I'd like to ask you some questions about the issue of
23 building ownership.

24 THE COURT: I want you to think also about
25 the time we're getting very close to 4:30. So maybe you

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1 can predict whether this is a good place to stop or whether
2 you should go through these questions.

3 MR. MORFORD: I can get through this in about
4 three questions.

5 THE COURT: Okay.

6 BY MR. MORFORD:

7 Q. Did you ever question -- strike that.

8 To what extent did you address the issue of building
9 ownership with Allen Sinclair?

10 A. In my discussions with Allen, sending him the pay for
11 Government employees, I recall the issue of ownership of
12 the building at 11 Overhill Road came up, and Allen said to
13 me that his wife owned the building, would that be a
14 problem. I went and looked at the ethics rules. I'm not a
15 lawyer. The ethics rules, as I recall it, what I -- what I
16 took from the ethics manual was that as an employee, Allen,
17 could not have any interest in the building at all.

18 Q. Let me ask you about that. Could he have just put
19 the building in a nominee name and maintained beneficial
20 ownership, or don't you know?

21 A. I am not an ethics lawyer. I -- to me, the rules
22 were not crystal clear on whether his wife owning it was a
23 violation or not. My sense was, just from a common sense
24 standpoint, probably would make sense for him to divest
25 himself in the building and not have any ownership.

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1 But what I recall telling Allen was, look, I'm not
2 clear about what the rules say. My sense is you should
3 sell the building, or perhaps if you filed the taxes
4 separate from your wife, that might be okay. But let me
5 fax you the rules, and you look them over and resolve it in
6 such a way that you're in accordance with the rules.

7 Q. Did he tell you who his wife obtained the building
8 from?

9 A. No.

10 Q. Having just gone through all the building issues with
11 Henry DiBlasio, did you have concerns about the building
12 issues now with Allen Sinclair?

13 A. To be honest with you, that was one of hundreds of
14 things I was dealing with at any particular time. I -- I
15 don't know how to say this, but I viewed the district
16 problems as problems I didn't want to have to deal with. I
17 had a full plate in Washington to deal with. We had a full
18 agenda, and there were headaches I really didn't want to
19 deal with.

20 But I did feel a responsibility to Allen to fax him
21 the ethics rules, and I trusted him enough because he was
22 someone the Congressman put trust in. Look at the rules,
23 you're an attorney, work out the building arrangements so
24 you're in accordance with the ethics rules.

25 Q. How much control did you have over the whole

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1 situation with Allen Sinclair, actual control?

2 A. Short of me threatening to quit, I don't have any --
3 I didn't have -- the Congressman had full control over that
4 situation. My responsibility was to inform the Congressman
5 what was permissible or not permissible in the ethics
6 rules.

7 For example, if he wanted to pay Allen over a certain
8 amount, then Allen would not have been able to practice
9 law, for example. So my responsibilities were to inform
10 the Congressman what he could and couldn't do. The
11 decision harder was the Congressman's.

12 Q. Did you advise him not to do this?

13 A. I don't think I ever told the Congressman don't hire
14 Allen. I think I made it clear I didn't think it was a
15 particularly good idea at that salary.

16 MR. MORFORD: I can stop here, your Honor.

17 THE COURT: Thank you.

18 We're going to recess and resume tomorrow morning at
19 9:00, and so the usual admonitions you remember. Don't
20 talk to anyone, allow anyone to talk to you, don't watch
21 view or listen to anything about the case, don't
22 investigate the case. I want the lawyers to stay briefly,
23 but have a pleasant evening. It's pretty nice out there.

24 (Proceedings in the absence of the jury:)

25 THE COURT: I just want to make sure there's

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1 nothing that we need to handle at 4:30. I know you at one
2 time had something, and I understand --

3 MR. TRAFICANT: I had discussions with the
4 Prosecution, and I'm satisfied.

5 THE COURT: Good.

6 MR. TRAFICANT: That the information they
7 gave me as long as they're truthful with it.

8 THE COURT: How about 8:30 in the morning?
9 We'll see you again, have you back here, so if anything
10 comes up between now and then, we can deal with it before
11 the jury comes.

12 MR. TRAFICANT: Fine with me. Thank you.

13 THE COURT: Very well, sir.

14 MR. SMITH: Have a good evening, your Honor.

15 THE COURT: Thank you.

16 (Proceedings adjourned.)

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1	DIRECT EXAMINATION OF GEORGE BUCCELLA.....	1073
2	CROSS-EXAMINATION OF GEORGE BUCCELLA.....	1088
3	REDIRECT EXAMINATION OF GEORGE BUCCELLA.....	1122
4	REDIRECT EXAMINATION OF GEORGE BUCCELLA.....	1122
5	RE-CROSS-EXAMINATION OF GEORGE BUCCELLA.....	1125
6	DIRECT EXAMINATION OF PAUL MARCONE.....	1128

C E R T I F I C A T E

8 I certify that the foregoing is a correct
9 transcript from the record of proceedings in the
10 above-entitled matter.

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